

OECA Strategic VTC Discussion with Region 8

Thursday December 6, 2018

1:00 PM – 2:30 PM EST

Time	Discussion Topic	Materials and Discussion Questions	Topic Leaders
1:00 pm	Introductions		All
1:05 pm	Regional Realignment Discussion		Enforcement Director Legal Enforcement Program Director
1:30 pm <i>pgs. 3-6</i>	Regional Strategic Plans – FTE <ul style="list-style-type: none"> ❖ Breakdown of FTE by program area <ul style="list-style-type: none"> ➤ Snapshot of how many resources are in each enforcement/compliance area. 	<div>Ex. 5 Deliberative Process (DP)</div>	Susan Bodine Larry Starfield Patrick Traylor Enforcement Director Legal Enforcement Program Director
<i>pgs. 7-8</i>	Regional Strategic Plans – Inspections <ul style="list-style-type: none"> ❖ Discussion of FY18 and projected FY19 ❖ State conversations 		
<i>pgs. 9-16</i>	Regional Strategic Plans – Case Pipeline <ul style="list-style-type: none"> ❖ Big cases/upcoming cases ❖ Federal Facilities* 		

* Discussion should include: NPDES SNC, RCRA TSDFs, SDWA ≥11 ETT points, and lead strategy

Time	Discussion Topic	Materials and Discussion Questions	Topic Leaders
<i>pgs. 17-23</i>	Regional Strategic Plans – National Priority Casework <ul style="list-style-type: none"> ❖ National Priority Cases <ul style="list-style-type: none"> ➤ Drinking water ➤ NCIs ➤ Highly controversial cases 	Ex. 5 Deliberative Process (DP)	Susan Bodine Larry Starfield Patrick Traylor Enforcement Director Legal Enforcement Program Director
2:10 pm <i>pg. 24</i>	State Partnerships <ul style="list-style-type: none"> ❖ Coordination/collaboration with States ❖ State Assist update 		Enforcement Director Legal Enforcement Program Director
2:20 pm	Challenges Region Faces Covering Enforcement and Compliance Work		Enforcement Director Legal Enforcement Program Director
2:25 pm	Measures <ul style="list-style-type: none"> ❖ Regional Bowling Charts 		
2:30 pm	End of Regional Strategic Discussion		

Additional Supplemental Materials

R8 Strategic Plan pgs. 25-42

Lead Region Strategic Plan Roll Up pgs. 43-52

On Board OECA FTE in Region 8 as of July 2018 (from Region 8's Regional Strategic Plan)

Program	# FTEs
CAA (except CAA 112r)	8.45
CAA 112r	0.76
CWA - NPDES	6.30
CWA Wetlands (404)	2.70
CWA OPA (311)	4.60
SDWA - UIC	4.20
SDWA - PWS	5.50
RCRA (except UST)	4.60
RCRA - UST	0.68
FIFRA	4.00
TSCA-lead paint	1.75
TSCA-PCBs	0.10
TSCA-Core	0.00
EPCRA 313	0.17
EPCRA non313	0.17
Administration / Program Support	11.70
Regulatory Enforcement - Legal	14.70
NEPA	16.83
EJ	2.00
Brownfields	0.00
Criminal Enforcement - Legal	2.10
Superfund (CERCLA) - Technical¹	35.44
Superfund Enforcement - Legal	9.95
Other	3.53
Total Regional OECA FTE Onboard	140.23

¹ Only 6.65 CERCLA enforcement FTE are in R8's Enforcement Division (including overhead); the remaining 28.79 FTE are in R8's Superfund Division. 26.08 FTE are RPM/OSCs and 2.7 FTE are in federal facilities.

Regional FTE from FY2019 Regional Enforcement Strategic Plan

(Excludes NEPA and OEJ FTE)

	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
CAA (except CAA 112r)	10.50	23.40	13.60	24.70	36.80	18.95**	12.00	8.45	13.20	5.90
CAA 112r	2.00	0.40	0.55	1.60	0.00	12.90	6.00	0.76	1.65	0.00
CWA - NPDES	17.00	27.20	20.40	34.10	29.90	32.90	16.00	6.30	15.30	15.80
CWA Wetlands (404)	1.75	0.70	2.65	8.40	2.50	2.10	0.50	2.70	1.50	4.40
CWA OPA (311)	1.00	0.70	0.40	2.60	0.50	1.00	2.00	4.60	2.40	0.00
SDWA - UIC	0.00	3.20	5.50	3.15	5.90	5.20	0.00	4.20	3.80	1.30
SDWA - PWS	1.00	6.20	5.00	8.25	5.10	4.20	2.00	5.50	5.00	2.50
RCRA (except UST)	6.00	17.30	13.20	18.45	27.90	19.50	10.00	4.60	6.45	8.10
RCRA - UST	0.00	1.70	4.75	2.20	1.90	0.00	3.00	0.68	0.60	0.10
FIFRA	2.00	2.40	3.90	4.60	5.00	7.00	1.00	4.00	5.00	2.30
TSCA-lead paint	2.00	2.70	2.40	5.90	4.70	1.10	2.00	1.75	2.30	0.50
TSCA-PCBs	1.00	0.80	0.90	2.25	1.80	0.10	0.50	0.10	0.50	0.00
TSCA-Core	0.00	2.20	0.60	1.60	0.50	0.00	0.00	0.00	1.10	0.00
EPCRA 313	1.00	1.00	0.80	0.70	0.50	2.60	1.00	0.17	0.50	2.00
EPCRA non313	0.00	0.50	0.55	0.70	0.00	0.00	1.00	0.17	0.35	0.00
Administration / Program Support	23.00	13.20	15.4*	29.80	38.20	18.70	9.00	11.70	14.35	14.00
Regulatory Enforcement - Legal	19.00	26.40	24.40	18.00	34.20	26.20	16.00	14.70	22.10	12.80
Brownfields	0.00	0.00	0.00	1.10	0.20	0.10	0.00	0.00	0.00	0.30
Criminal Enforcement - Legal	1.50	2.50	2.00	2.70	4.20	2.10	2.00	2.10	1.80	1.60
Superfund (CERCLA) - Technical	23.00	31.10	60.50	59.60	74.20	27.20	31.00	35.44	42.95	38.30
Superfund Enforcement - Legal	17.00	36.90	28.60	23.40	38.80	12.70	13.00	9.95	25.65	11.40
Other	0.00	0.00	0.30	0.00	0.00	0.00	0.00	3.53	3.00	0.00
Total Regional OECA FTE Onboard	128.75	200.50	206.40	253.80	312.80	194.60	128.00	121.40	169.50	121.30
*Includes 6 Multi-media FTE										
** Includes 1.20 FTE for Asbestos										

FY 2019 Regional Strategic Plans – Inspections

(***NOTE: ALL FY18 INSPECTION NUMBERS ARE APPROXIMATE*** updated 11/30/18 12:00pm)

	Region 1		Region 2		Region 3		Region 4		Region 5		Region 6		Region 7		Region 8		Region 9		Region 10	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
CAA	107	87	124	108	121	101	90	91	253	284	126	67	67	87	143	98	217	170	71	-
CAA 112R	18	19	1	22	50	31	32	29	34	34	80	47	30	30	24	23	26	26	30	~30
CAA Mobile Source	0	-	4	10	33	27	0	-	9	35	0	0	0	0	0	0	191	140	5	~5
CAA Stat. Source ¹	89	68	103	76	38	43	58	62	210	215	46	20	37	57	119	75	0	4	36	<FY18
CWA	191	178	539	415	202	155	182	172	72	82	421	345	119	229	132	167	107	130	189	-
CWA 311	68	59	84	101	76	65	73	70	18	27	170	175	21	65	35	30	37	45	41	<FY18
CWA 404	12	8	8	6	41	20	14	15	12	15	40	20	5	0	5	4	4	5	34	~34
CWA Pretreatment	26	11	19	22	43	42	12	0	12	0	8	0	12	0	46	28	22	20	5	tbd
CWA NPDES	85	100	428	286	42	28	83	87	30	40	203	150	81	164	46	105	44	60	109	~115
EPCRA	38	39	82	29	31	46	146	100	24	33	2	0	7	12	44	30	25	26	52	-
EPCRA 313	20	20	24	14	19	24	70	50	7	9	2	0	7	12	19	10	0	TBD	12	~12
EPCRA non313	18	19	58	15	12	22	76	50	17	24	0	0	0	0	25	20	25	26	40	~40
FIFRA	10	10	38	15	34	15	18	10	9	10	10	6	15	10	66	60	31	20	15	tbd ²
RCRA³	46	43	545	273	122	110	236	181	196	200	63	43	237	204	138	145	107	104	134	
RCRA HW	15	13	306	173	70	60	182	148	114	100	19	8	212	189	78	80	59	68	54	~44
RCRA UST	31	30	239	100	52	50	54	33	82	100	44	35	25	10	60	65	48	36	80	~80
SDWA	0	-	103	80	961	770	0	184	0	20	201	142	0	20	242	131	87	50	77	-
SDWA PWS	0	-	27	20	0	0	0	4	0	0	14	7	0	0	6	6	13	8	0	0
SDWA UIC ⁴	0	-	76	60	961	770	0	180	0	20	187	135	0	20	236	125	74	42	77	~75
TSCA	65	62	83	61	114	100	227	193	55	32	7	10	86	80	47	60	102	94	105	-
TSCA Core ⁵	0	2	15	10	22	15	32	33	1	2	0	0	0	0	5	5	16	12	0	0
TSCA-Pb	58	55	54	41	84	80	182	150	49	15	7	10	86	80	42	55	86	80	105	~100
TSCA PCB	7	7	14	10	5	5	13	10	5	15	0	0	0	0	0	0	0	2	0	0
Total Regional Inspections	457	419	1514	981	1585	1297	899	931	609	661	830	613	531	642	812	691	676	594	643	-

¹ Onsite only; Includes CAA Asbestos Demolition and Renovation

² R10 unsure about impact of realignment on FIFRA inspection numbers due to possible loss of credentialed inspectors.

³ Data pulled from Qlik/RCRA Info database as of 10/15/18

⁴ Only UIC inspections recorded in ICIS are included.

⁵ Includes AHERA

REGION 8 – NCI INSPECTIONS					
	CARR	NPDES SNC	RCRA AIR	Air Toxics	Energy Extraction
SIT's Inspection Target # for Region	11	OECA is not making an initial bid for this NCI. The Regions are asked to provide the number of SNC NCI-related inspections that they plan to conduct in FY 2019 (inspections of permittees in SNC/Category 1 NC status, that have a recent history of SNC/Category 1 violations, or that the Region believes will be in SNC soon absent intervention).	3	Average of ATX03 bids over last 4 years is 4. ATX04 average is 4. SIT proposes target of 4	100 (80 CAA, 20 UIC) Consistent with FY'18 "Agreed Final Targets". Rationale – maintaining same LOE based upon uncertainty re: budget/available resources.
Region's Inspection Commitment # and SIT's acceptance or rejection and rationale.	R8 accepts 11	R8 target is 5	R8 commits to 5	R8 accepts target of 4	70 (50 CAA, 20 UIC) CAA – 50 inspections. Currently, there are no GMAP inspection campaigns scheduled with NEIC for FY19. The GMAP inspection campaigns have allowed for a greater number of inspections. Also, the Region has been focusing on a self-certification program that will take resources from conducting traditional inspections. Finally, in FY18, the CAA inspection team has lost one additional FTE.
FINAL	11	5	5	4	70 (50 CAA, 20 UIC)

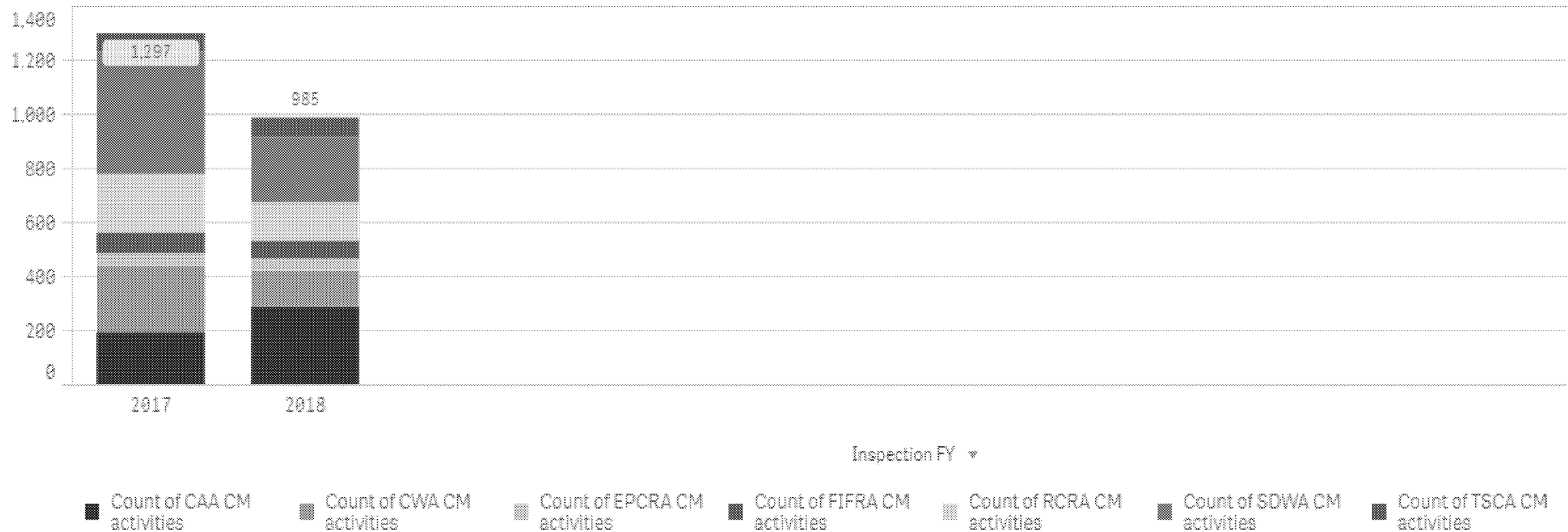
Media-Specific Priority Work (RCRA, CWA, CAA) from Lead Region Roll-Up

	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
RCRA (Haz. Waste & UST)	(see NCI)	-Landfill enforcement in PR, especially in response to Hurricane clean-up -UST ESA use and completing 3 judicial actions	-Hazardous waste data mining -Reauthorize UST programs for R3 states	-Assist states with UST inspections -Supplement state efforts on RCRA organic air enforcement	-Focus on data mining and predictive analytics modeling -Increased use of RCRA ESAs -Compliance monitoring and enforcement for UST program in Indian Country	-Continued use of data mining -Conclude one remaining judicial case in the RCRA mineral processors initiative -Focus on UST facilities in Indian Country	-DI for IA RCRA program; proposing to pilot RCRA ESA program in IA	-Focus on RCRA "under-reporter" initiative		
CWA/SDWA	-DI for 2 states -Significant work in CSO, SSO and MS4 -Integrated planning for CWA -Electronic Reporting	DI work: -Pretreatment (NY) -PR NPDES -404 (NY, PR, VI) -MPRSA	-Addressing regional priorities of water impairments from mining, CAFOs, and stormwater in Chesapeake Bay	-Use and assist states with new industrial storm water non-filer tool -Assist SC and NC with MS4 inspections -Oversight of FL's assumption of 404 program -Increase state oversight and regional and state capacity for drinking water program	-DI responsibility in IL and IN -Continued tribal enforcement -Invest in field capability of R5 technical staff	-Address issues caused by AFOs -Initiative with ORD and LA to monitor bacteria in water from dairy farms in LA	-Continue to inspect CAFOs (large and med. lots that impact water quality) -Sample and inspect 58 sig. indus. users in KS -Biosolids COE: priority given to violations impact public health	-Determining viability of self-certification program for Class II UIC -Working to automate drinking water AOs	-Significant resources invested in SDWA and CWA for Pacific Islands including 3 cases being negotiated by R9 and DOJ -Large Capacity Cesspool (LCCs) in Hawaii	-Industrial SW in Puget Sound -Work w/ OR on SW inspections -Continued work on tribal treaty rights for salmon and shellfish production -Public drinking water systems in Indian Country -Yakima Nitrate contamination -NPDES inspections in Alaska -Transitioning ID from DI to delegated prog
CAA	-CAA with wastewater treatment facilities/ sewage sludge incinerators -Cutting excess emissions from noncompliance such as RCRA TSD, scrap metal, metal processing, etc	-Mobile source enforcement	-Mobile source enforcement -Art Glass -Legacy Sectors (Steel and Coke) -NAAQS exceedances -Complex CAA Major Sources -Federal/ State-owned facilities -CFC follow-up that doesn't meet R5 COE criteria	-Shift resources to direct implementation in EPCRA, FIFRA imports and GA Asbestos NESHAP programs -Increase focus on mobile source enforcement	-Focus on compliance assurance in steel manufacturers, scrap shredders, ethanol plants and chemical production -Enforcement in non-attainment areas/hot spots	-Focus on cases that reduce toxic air pollutants -Reviewing significant number of CD terminations -Working with states to evaluate LDAR compliance at gas processing plants	-Prioritize and address non-delegated area sources, stack test failures and mobile source enforcement	-Developing self-certification program for facilities subject to NSPS 0000/0000a	-Continued support of mobile source enforcement including seizure at ports/border; reaching settlements using ESAs	

View from OECA ICIS FE&C Dashboard

Compliance Monitoring, Region 8, All Programs

Counts of Federal Compliance Monitoring Activities

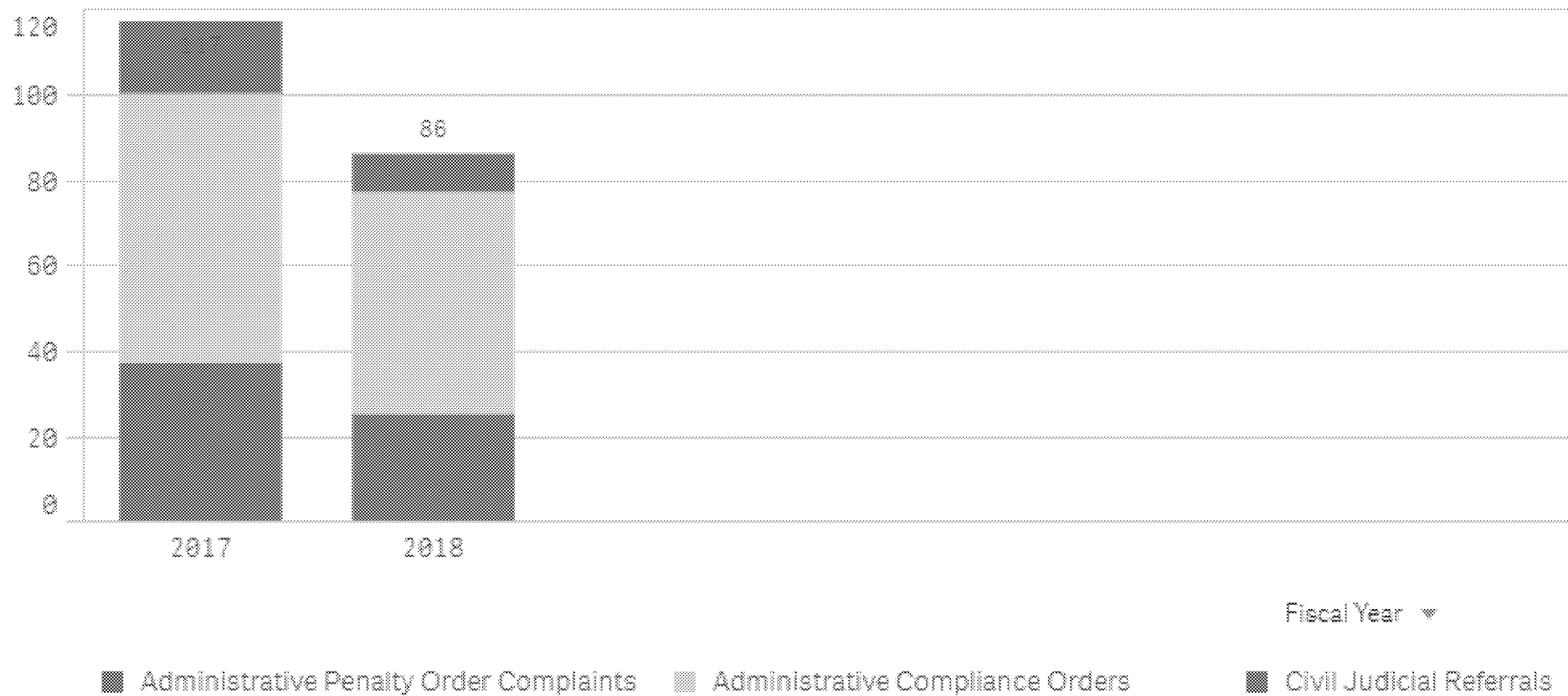


Data from ICIS FE&C Dashboard Screenshot on 11/19/18
Region 8 enters SDWA UIC inspections into ICIS, so they are included in the above data

View from OECA ICIS FE&C Dashboard

Case Initiations, Region 8, All Programs

Number of Initiations



Region 8 Initiations by Program and Case Type – FY 17-18

Civil Judicial Referrals	Totals		FY17	FY18
Totals	26		17	9
CAA 112r	1		1 -	
CAA Stationary Source	8		3	3
CERCLA	9		7	2
CWA 311	4		2	2
CWA 404	2		1	1
CWA NPDES	2		2 -	
FIFRA	1		1 -	
RCRA HW	1 -			1
Administrative Penalty Orders (APOs)	Totals		FY17	FY18
Totals	62		37	25
CAA 112r	2 -			2
CAA Stationary Source	3		1	2
CERCLA	1		1 -	
CWA 311	12		8	4
CWA 404	1		1 -	
CWA NPDES	16		11	5
FIFRA	10		5	5
RCRA HW	1		1 -	
SDWA PWS	2 -			2
TSCA	14		9	5
Administrative Compliance Orders (ACOs)	Totals		FY17	FY18
Totals	115		63	52
CAA 112r	2		2 -	
CERCLA	20		8	12
CWA 311	1 -			1
CWA 404	4		3	1
CWA NPDES	11		7	4
FIFRA	2		2 -	
SDWA PWS	73		39	34
SDWA UIC	2		2 -	

Case Conclusions Region 8

FY 17			FY 18		
Program	Region 8	Region 8 % of National Total	Program	Region 8 As of 11/19/18	Region 8 % of National Total As of 11/19/18
APPS Mobile Source	0	0.0	APPS Mobile Source	0	-
CAA 112r	2	1.2	CAA 112r	3	1.8
CAA Mobile Source	0	0.0	CAA Mobile Source	0	0.0
CAA Stationary Source	2	1.4	CAA Stationary Source	7	5.6
CERCLA	10	6.5	CERCLA	14	10.1
CWA 311	8	5.8	CWA 311	5	4.5
CWA 404	4	8.7	CWA 404	2	5.0
CWA NPDES	16	4.3	CWA NPDES	10	3.1
EPCRA 313	0	0.0	EPCRA 313	0	0.0
EPCRA non 313	0	0.0	EPCRA non 313	1	2.6
FIFRA	7	3.9	FIFRA	5	3.3
MPRSA	0	0.0	MPRSA	0	-
Multi-Program	0	0.0	Multi-Program	0	0.0
RCRA CA	0	0.0	RCRA CA	0	0.0
RCRA HW	2	1.7	RCRA HW	0	0.0
RCRA Subtitle D	0	-	RCRA Subtitle D	0	-
RCRA UST	0	0.0	RCRA UST	3	2.5
SDWA PWS	39	27.1	SDWA PWS	36	17.1
SDWA UIC	2	8.0	SDWA UIC	0	0.0
TSCA	9	6.0	TSCA	6	3.9
Totals:	101	5.1	Totals:	92	5.1

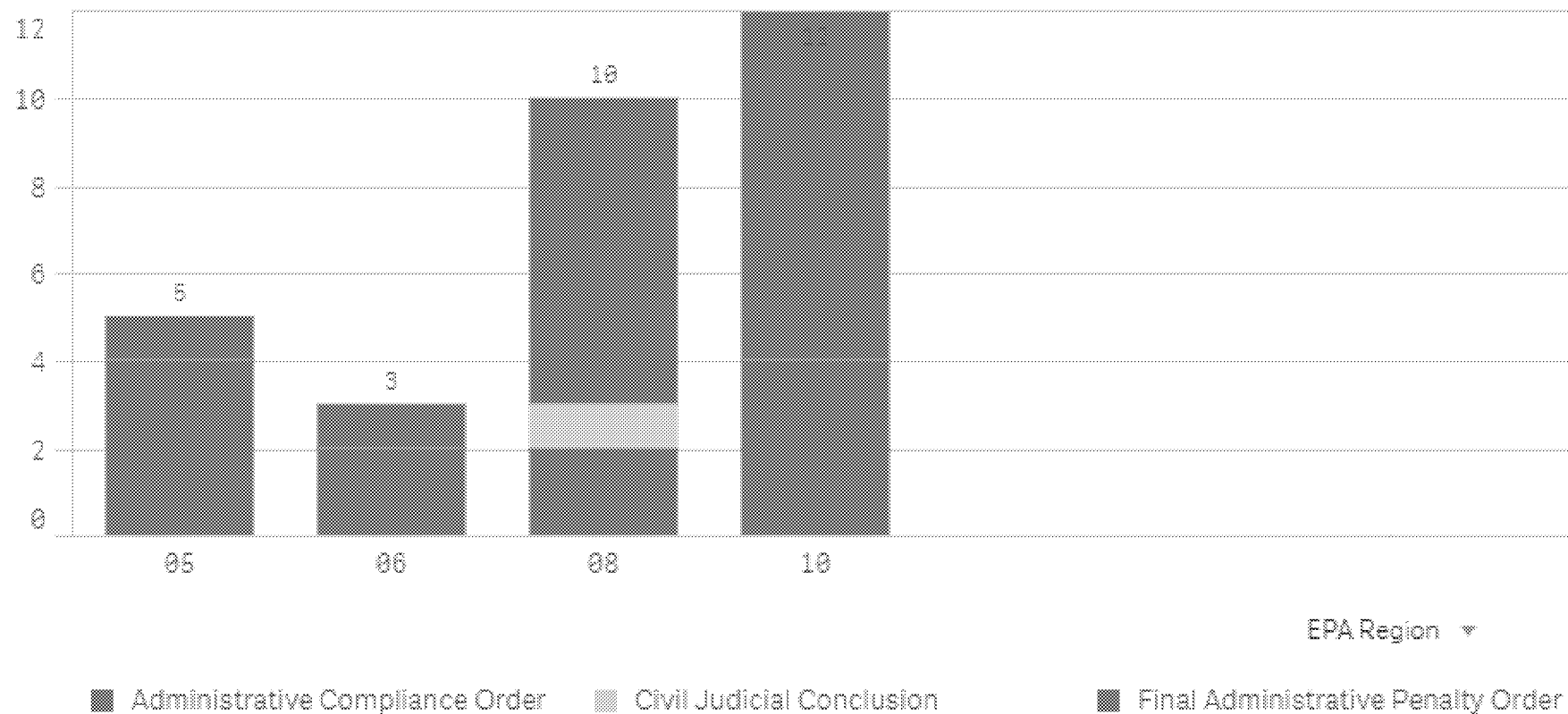
Data from an ICIS Report

Regional Percentage of FY 18 FTE Allocated to all Regions: Region 8 = 5.3%
(Civil Enforcement + Compliance Monitoring)

FY 18 Tribal Conclusions by Region

Tribal Case

Number of Conclusions

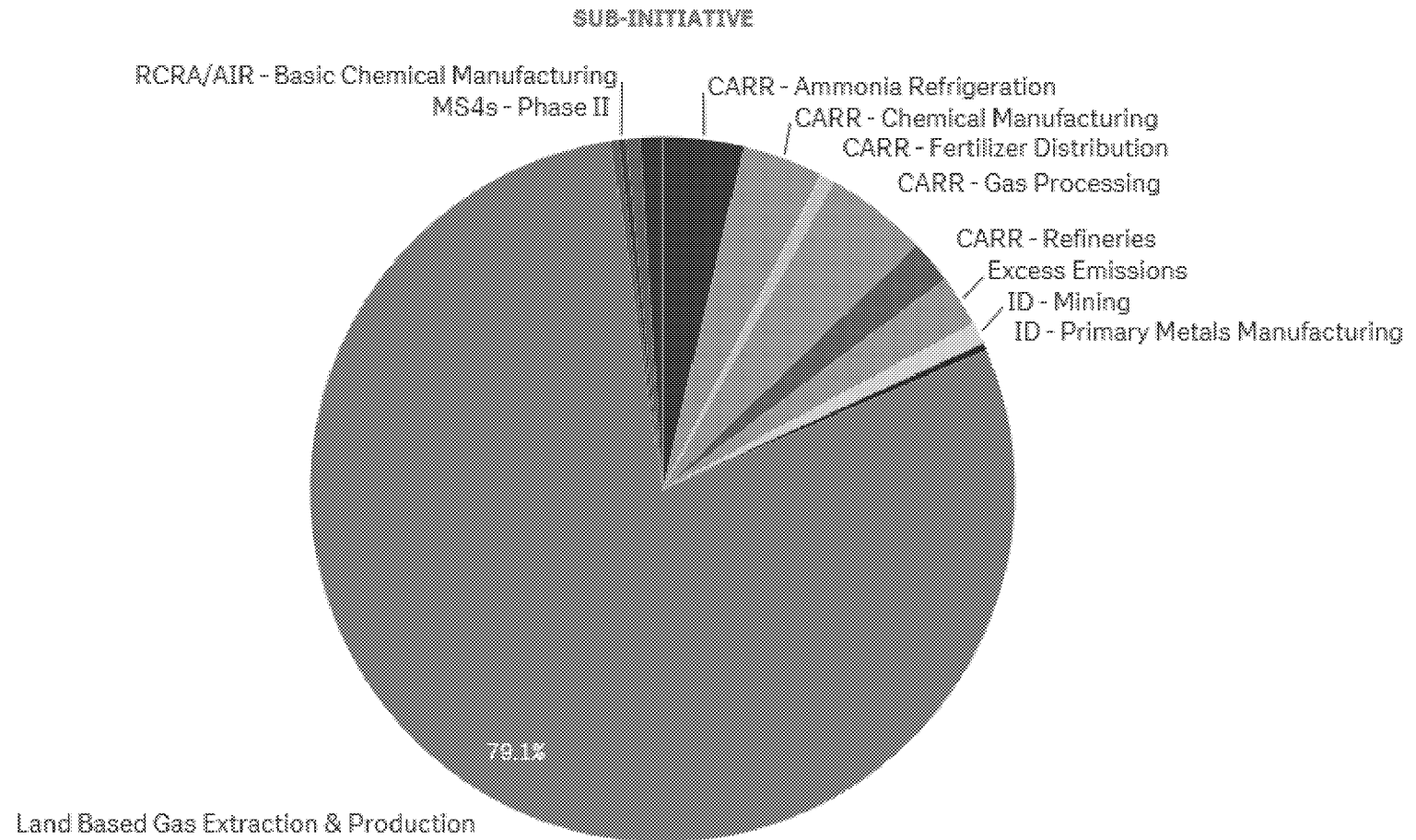
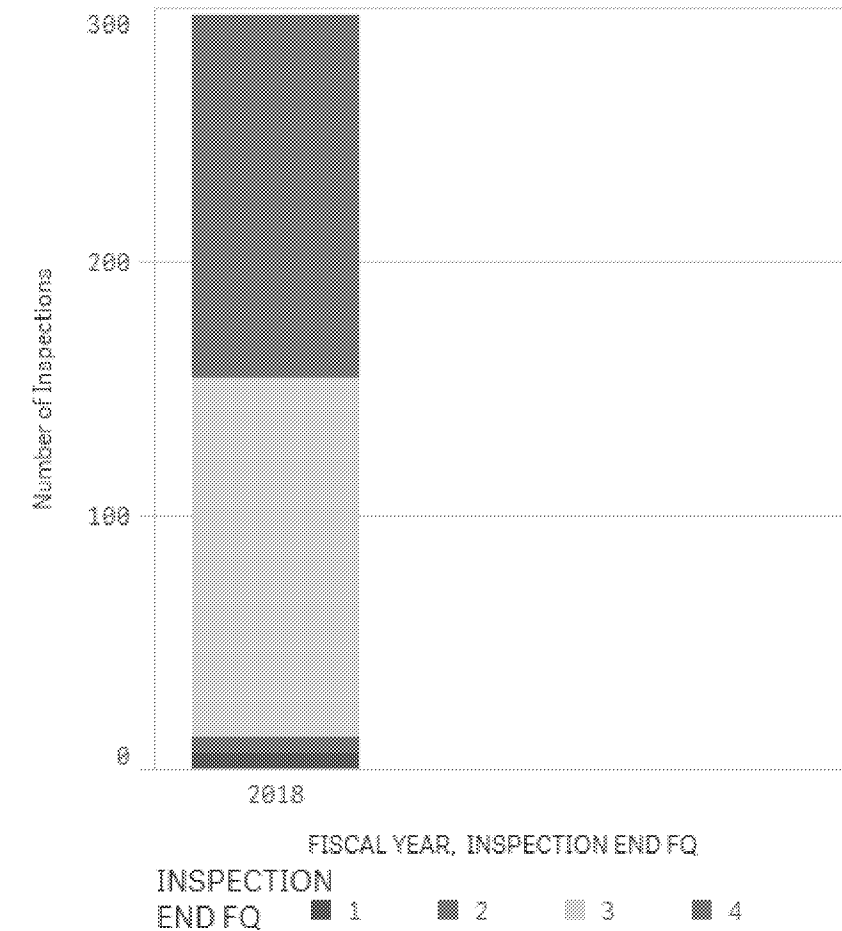


NCI Work (extracted from Lead Region Roll-Up)

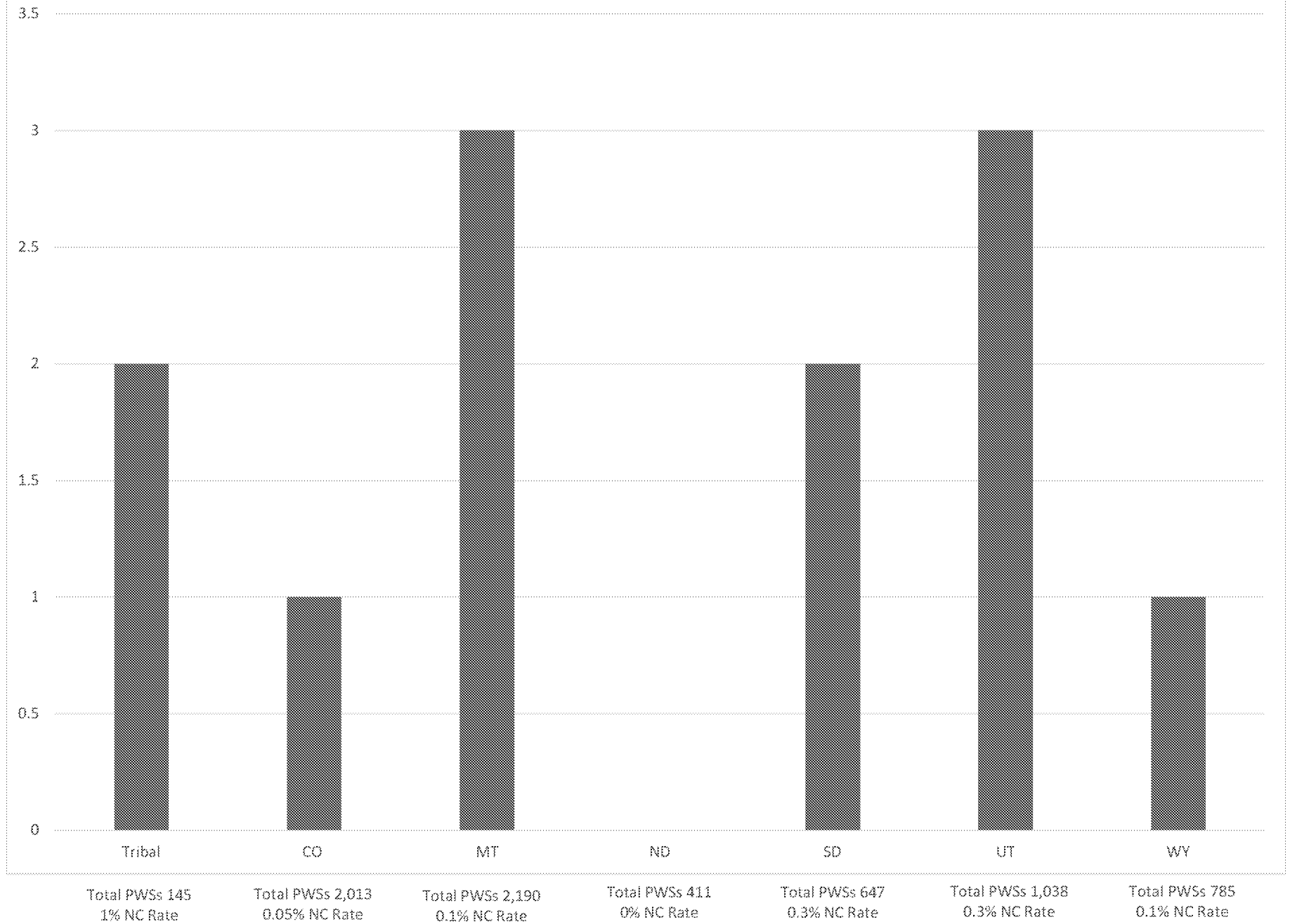
	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
Raw Sewage and Storm Water	CSO: Oversee & renegotiate MS4: Phase II	CSO: Oversee and monitor SSO: targeted compliance monitoring MS4: Phase II	CSO: oversee & renegotiate (2); finalize 1 new CD MS4: 4 actions proj.; 10 insp.	CSO: Oversee and renegotiate SSO: 3 new CDs MS4: complete Phase I work	CSO: oversee & renegotiate (12 of 25) existing CDs; 3 new CDs MS4: complete Phase I work	SSO: oversee & monitor (8); 2 new CDs MS4: self-audit pilot program	CSO: oversee & renegotiate (2) MS4: N/A	MS4: Assessed all 9 Phase Is; continue casework from this initiative	CSO: finalize San Fran settlement SSO: complete MS4: few Phase Is are not to be completed	CSO/SSO: oversee & renegotiate existing CDs MS4: N/A
CAFO	N/A	Assist NY w/ inspections; CD negotiations	N/A; compliance assistance roundtable with states	N/A	Inspections in Lake Erie basin; assistance to IL and WI	N/A	inspect large and medium open lots w/ WQ impacts	Discontinued work in FY17	CA Regional Water Quality Control Boards in lead	N/A
NPDES Industrial Discharger	N/A	Inspection #s TBD	Mining, Sources contributing to Chesapeake Bay impairment; 19 inspections; 3 actions projected	N/A	Mining, food processing	Mining, food processing, metals manufacturing	Conclude 2 judicial cases; will have addressed all high priority facilities	Follow-up on FY18 inspections (by tracking state action or informal enf.)	Inspected all high-risk; follow-up w/1 mining facility. Focus on IUs in cities w/ problem pretreatment	N/A
NSR	N/A	Complete	Complete; oversee 5 CDs; no additional commitments	Conclude 7 remaining NSR cases; oversee 10 existing CDs	Resolve existing NSR cases	Conclude 4 remaining NSR cases; CD oversight and terminations; no new cases	Conclude cement case; continue utility negotiations; utility remedy trial	Oversee existing CDs; no additional commitments	Conclude cement case; no additional commitments	Complete. Oversee existing CDs; no additional commitments
Air Toxics	LDAR: chem manuf., bulk fuel storage Excess Emission: TSD, metal processing/scrap chem manuf.	Fuel storage, metal recycling, unpermitted major sources; Finalize 1 open CD, close out Flares	Gas distrib., chem manuf., RICE, boilers, gen. manuf.; 14 insp.; 5 cases in dev.; 8 actions projected	Misc. Organic Chemical Manufacturing NESHAP, liquid VOC tanks; 10 insp.; 18 cases in development	Flares, LDAR, excess emissions. Initiate new tanks investigations	Flares; 13 active judicial cases, 4 admin.	Herb/pesticide manuf, high-risk, ozone N/A, area source MACTs. 20 insp. Target 5 tank facilities & 7 landfills	Conclude 6 LDAR cases at gas processing plants	3 FLIR-based inspections (1 tribal, 2 at large sources)	Pulp and paper, landfills, gas dist. (Alaska); Pulp/paper settlement; 6 inspections
CARR	Ammonia refrigeration, GDC Pilot	Ammonia refrigeration, chem manuf., gas processing	Ammonia refrigeration, chem manuf.; 10 actions projected; 28 inspections	23 potential CAA actions, 5 potential EPCRA actions; 24 inspections	>50% of targeted high risk inspections in the five NEI sectors	Target high-risk facilities, adjacent to communities, and w/history of accidents	>75% of targeted inspections in 3 NEI sectors (fertilizer dist., chem manuf., ammonia refrig.)	Focus on concluding 28 cases in pipeline; ~12 inspections in the 5 NEI sectors	Focus on chem Manuf. and ammonia refrig. Outreach w/industry & locals;	30 inspections (11 high-risk, 15 in NEI sectors); Conclude 2 admin refinery cases
Energy Extraction	N/A	N/A	Gas plants, wells comp stations; 7 proj. actions; 25 insp (8 Air, 2 SPCC, 15 UIC)	15 ongoing investigations; 10 inspections	UIC Class I and II injection wells that receive wastewater from EE ops.	CWA: discharges of flowback water (2 actions) CAA: wells (3 actions)	N/A	Focus on DI work and outreach; conclude 4 tank cases	N/A	N/A
RCRA Air	TSDs and LQGs Increased LOE	20 inspections (91% of universe inspected)	3 actions projected; 8 inspections	12 cases in pipeline; 19 cases projected	Continue monitoring/enf.; smaller # of inspections	2 new investigations at large petrochem operations	11 inspections; 2 projected FY19 enf. actions	3-5 inspections; build state capacity	3 cases in pipeline; 5 inspections at TSD facilities	2 inspections; TSD focus

FY18 NEI Inspections (R8, as of 11/19/18)

NEI Inspections per Year



Number of PWSs on the October 2018 ETT with a Score of ≥ 11 for ≥ 3 Consecutive Quarters



R8 Federal Facility Public Water Systems with a score ≥ 11 on the October 2018 ETT

State	PWSID	PWS Name	ETT Score	Sys has HB viols?	PWS Type	Pop Srvd	Priority Since Date	Repeat Violator Tool	Total Unresolved Points	On Path to Compliance?	School or Childcare
MT	MT0004690	DEVILS ELBOW REC SITE	20	Y	TNCWS	501	09/30/2018	28	20	New	N
UT	UTAH11019	DEER HAVEN CAMPGROUND	13	Y	TNCWS	107	06/30/2018	16	11	Not on Path	N
CO	CO0362001	CROW VALLEY CAMPGROUND	13	Y	TNCWS	57	09/30/2018	13	13	New	N
UT	UTAH09078	BARKER RECREATION SITE	12	Y	TNCWS	30	09/30/2018	26	11	New	N
UT	UTAH07017	IRON MINE CAMPGROUND	12	Y	TNCWS	90	09/30/2018	20	11	New	N
UT	UTAH19071	SAND ISLAND RECREATION SITE	11	Y	TNCWS	50	06/30/2018	31	10	Not on Path	N
WY	WY5680254	MEDICINE BOW NF LAKE OWEN CG	11	Y	TNCWS	26	12/31/2017	7	6	Not on Path	N
UT	UTAH26020	MILL HOLLOW CAMPGROUND	11	Y	TNCWS	160	09/30/2018	24	10	New	N
UT	UTAH09044	RED CANYON CAMPGROUND	11	Y	TNCWS	145	09/30/2018	12	6	New	N
UT	UTAH22036	BRIDGER LAKE CAMPGROUNDS	11	Y	TNCWS	65	09/30/2018	24	10	New	N
UT	UTAH01009	ANDERSON MEADOW CAMPGROUND	11	Y	TNCWS	30	09/30/2018	20	10	New	N

Region 8 State Assists

State	Date sent to State	Facility Name	Statute	Type of Assist	If other, provide details	State Follow-up Date	State Follow-up Date (if needed)	State Outcome measure	Date Formal Enforcement Commenced	If other, provide details	Date Compliance Achieved	State Penalty Amount	State Injunctive Relief Amount	State Environmental Benefits
CO	8/27/2018	Veolia	RCRA HW	inspection				No information available on how the state addressed the violation						
UT	5/29/2018	Mountain View Hospital	RCRA HW	inspection				No information available on how the state addressed the violation						

US EPA Region 8 Enforcement and Compliance Assurance Strategic Plan for FY 2019

September 14, 2018

Region 8's Enforcement and Compliance Assurance Strategic Plan for FY 2019 builds on EPA-state and EPA-tribal partnerships to promote and protect a strong and healthy environment. This Plan not only presents the priorities that will guide the Region's integrated compliance and enforcement efforts, it also recognizes that a key role of EPA is protecting the environment by maintaining and achieving compliance. This Strategic Plan is designed to maximize compliance by using all the tools at the Agency's disposal to accomplish that end. Among those tools is enforcement and Region 8 will take appropriate enforcement actions with the primary goal of compelling compliance. When we do take enforcement actions we will apply the appropriate law and regulation in a way that clarifies what compliance is with respect to a specific law or regulation so that after an enforcement action the entire regulated community better understands what is compliance. The Region will also focus its resources on direct implementation but will partner with the states in the Region as appropriate and as requested. The primary goal of enforcement is to ensure environmental laws are followed but another important goal is to provide clarity and certainty on what compliance looks like. The Region may refine its priorities to reflect shared environmental goals and optimize limited resources with additional input from state and tribal partners. This preliminary Plan is subject to change once the FY 2019 budget and staffing plans are finalized.

1. Region 8 Overview

Region 8 encompasses the states of Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming and 27 sovereign tribal nations on 26 reservations covering 22 million acres. Region 8 is the second largest EPA Region based on land area. Over two-thirds of our roughly 10 million people live in two distinct bands of urban development – Colorado's Front Range and Utah's Wasatch Front. The Region is also home to some of the most rural counties in the nation. Approximately 37 percent of the land area in Region 8 is federal land. Our Region is arid, yet six major river systems originate in Region 8 including the Missouri, Rio Grande, Colorado, Arkansas, Platte, and Columbia Rivers. Region 8's economies are natural resource-based. They include: agriculture, energy development, mining, recreation and tourism.

There are several significant environmental issues in Region 8. Air-sheds in the Denver-Julesburg basin and Uintah Basin are not in attainment for ozone. Additionally, the Tribes in the region struggle to maintain basic infrastructure systems for drinking water and wastewater.

Our work in Region 8 states and tribal communities varies depending on the number of regulated entities, the nature of the environmental issues and the status of authorized programs. The Region has direct implementation (DI) responsibility for 27 tribal nations in nearly all programs and, additionally, in all six Region 8 states for key programs including OPA, CWA section 404, CAA 112r, EPCRA, and for many portions of FIFRA, TSCA (lead), and TSCA AHERA

(Asbestos in schools). We are also responsible for implementing other programs (or portions of programs) in some Region 8 states; most notably, the SDWA Drinking Water Program in Wyoming.

2. Regional Investments

In 2019, Region 8 will seek to improve compliance, address violations, and deter noncompliance through increased use of compliance assurance tools and robust enforcement. We will continue to focus enforcement efforts on programs that are only federally enforceable, on joint efforts with states, and in providing compliance assistance. In FY 2018, we shifted our focus for inspections almost exclusively to our DI work. The basis for this shift is to ensure that we have a strong presence in those parts of the Region where we are the sole regulator. Also, while we will perform our state oversight responsibilities, the Region starts with the presumption that states are properly implementing delegated programs. Therefore, we expect to maintain this same emphasis in FY 2019, but will coordinate with states to prioritize matters in delegated state programs where EPA's involvement may be necessary. Other specific Regional investments for FY 2019 are as follows:

- A. *Drinking Water:*** The Safe Drinking Water Act (SDWA) program is a priority in Region 8, and we have taken steps working with our states and tribes to improve compliance. The scope of Region 8's drinking water DI program is the largest in the nation, encompassing 930 public water systems in Wyoming and Region 8 tribal lands. Sixty-six percent of Region 8's tribal communities and eighty-four percent of Wyoming's communities are served by very small public drinking water systems (PWS), which serve less than 500 people. Many of the very small PWSs that wind up in enforcement lack sufficient capacity (technical, managerial and/or financial) to assure consistent compliance with the National Primary Drinking Water Regulations (NPDWRs). We also lead the country in identifying the need for and, ultimately, issuing SDWA 1431 Emergency Administrative Orders (EAOs), and we expect this trend to continue in FY 2019. These EAOs allow Region 8 to take immediate action towards eliminating imminent and substantial endangerments to public health in circumstances where a system's drinking water is or is likely to be contaminated. We are also collaborating with other Region 8 offices to improve the safety of public drinking water supplied in the region, through funding, compliance assistance and enforcement. Region 8 will continue to place significant emphasis on sanitary surveys given the public health impacts associated with SDWA non-compliance. Much of what we do with public water systems is compliance assistance – particularly in Wyoming and in Indian country where we run the program. Each quarter, Region 8 reviews the SDWA Enforcement Targeting Tool (ETT) list with each of our authorized states to share and track progress, assist where needed and as resources allow, and discuss corrective measures and potential enforcement actions in detail.
- B. *Tribes:*** Most of the 27 tribal governments in Region 8 lack the institutional capacity or delegated authority to enforce federal environmental laws. Because EPA is often the sole environmental regulator in Indian Country Region 8 places top priority on our direct implementation responsibilities. While there is some value in having EPA perform

inspections of programs that have been delegated to the states, generally it will be the Region's position that the best use of our scarce compliance resources will be in Indian country. Additionally, Region 8 is also sensitive to the fact that there are environmental justice issues in certain areas of Indian country. We will prioritize our efforts to address EJ issues that are within the scope of our authority. In FY 2019, Region 8 will focus significant resources on our DI responsibilities in Indian country. Specifically:

- i. **Drinking Water:** We will focus on resolving SDWA noncompliance at tribally owned or operated public water systems in a more timely and consistent manner, which is expected to increase the number of informal and formal enforcement actions in FY 2019. We will also continue to provide, either independently or in coordination with numerous technical assistance providers, compliance assistance when a tribal public water system is subject to an enforcement action.
- ii. **NPDES:** We will focus the majority of Region 8's DI resources on issues in Indian country. Region 8 is pursuing multiple cases in Indian country that address environmental and public health threats from sanitary sewer overflows, inadequately treated wastewater, unpermitted discharges, and uncontrolled discharges from industrial sources and will complete additional administrative and judicial actions on tribal lands. NPDES focus areas will include significant noncompliance (SNC) at both individual and general permitted facilities in Indian country, which will be addressed with a mix of compliance assistance, informal enforcement (warning letters), and formal enforcement. We are exploring the development of an expedited settlement agreement process at wastewater facilities, which will be another formal enforcement tool for use in Indian country. While compliance assistance has always been a focus in Indian country, NPDES cases will more quickly be moved to formal enforcement when compliance assistance is unsuccessful. NPDES has begun working with an inspector with the Confederated Salish and Kootenai Tribes of the Flathead Reservation to obtain federal NPDES inspector credentials. NPDES will use the EPA's 2004 "Guidance for Issuing Federal EPA Inspector Credentials to Authorized Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA" to guide oversight of these inspections and inspection reports, and any enforcement will be referred to Region 8.
- iii. **CAA:** To address a suspected source of excess VOC emissions in the Uintah Basin Non-Attainment Area, Region 8 will conduct outreach on CAA OOOO regulations regarding combustor efficiency at oil and gas well pads on the Uintah and Ouray (U&O) Indian Reservation. We will continue to address tank venting with a focus on existing issues on the U&O Reservation. Existing tank venting enforcement actions on the Fort Berthold Indian Reservation are on track to be settled in FY 2018 or early FY 2019. For FY 2019, we plan to conduct inspections consistent with the Compliance Monitoring Strategy inspection schedule. We anticipate that

our Title V inspection numbers will be similar to the FY 2018 inspection count.

- iv. RCRA: We will focus within Indian country on small quantity generators, open dumps, illegal storage/accumulation of hazardous waste, imminent and substantial endangerment (RCRA 7003) and non-reporting RCRA generators. We will also provide compliance and technical assistance to tribes, including sampling support and waste characteristic determinations to ensure appropriate disposal.
- v. FIFRA: We will focus on compliance assistance to tribes that do not have a federally credentialed pesticide inspector or circuit rider. Our FIFRA program was awarded OECA EPM training and travel funds which we will use in FY 2019 to conduct training to assist tribal pesticide inspectors in obtaining federal inspector credentials and to provide a venue to educate tribes without pesticides programs on the basics of federal pesticide laws. We will also continue to focus on pesticide import product integrity by engaging with our US Customs and Border Protection Agency partners to collaboratively identify and sample illegal products entering the U.S.

C. *Lead:* Region 8 has developed and has recently begun implementing a comprehensive regional Lead Action Plan. In FY 2019, the compliance and enforcement programs are planning to continue to make a significant contribution to the Region's efforts to reduce lead exposures, including:

- i. Lead- Based Paint: In FY 2019, Region 8 will continue to implement its Lead RRP Rule-Place-based Initiative in West Denver, coordinating our enforcement activities with media and outreach activities by other agencies' regional offices to amplify the impact of our lead work, particularly regarding toxic lead impacts on children and other susceptible populations. We will provide compliance assistance and conduct at least 50 inspections for compliance with the Toxic Substances Control Act (TSCA) Renovation, Repair and Painting and disclosure rules. We expect to conclude at least seven TSCA lead-based paint administrative enforcement actions during FY 2019. We will encourage Supplemental Environmental Projects in our lead-based paint settlements to provide benefits to communities impacted by non-compliance.
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- iv. **RCRA:** Region 8 will focus on limiting potential childhood lead exposures by ensuring that lead-containing wastes such as used Cathode Ray Tubes (CRTs) and Spent Lead Acid Batteries (SLABs) are properly stored and disposed of or recycled. In FY 2019, we will conduct six inspections of facilities that manage used CRTs and SLABs to potentially reduce the number of facilities where these lead-containing wastes are improperly stored. We will also provide technical and regulatory assistance to states, the public, and hazardous waste generators regarding proper storage, disposal, and recycling practices.
- v. **Drinking Water:** The regional drinking water program will focus on ensuring public water systems are properly addressing any lead violation and action level exceedance. In FY 2019, we will review all referrals from our Region 8 drinking water program for lead violations at DI systems and will elevate the priority of those cases. During each quarterly ETT review, we will discuss with the states any action level exceedances and priority systems with lead violations to ensure appropriate actions are being taken.

D. CERCLA: Region 8 has many extremely large and complex legacy mining sites that are Agency priorities. In FY 2019, we will continue to focus on restoring contaminated sites to productive use, and promoting human health protection and economic vitality in rural and urban communities, including active and inactive mines, landfills, military bases, and industrial plants. Regional legal and technical enforcement staff will continue to be focused on CERCLA work – identifying liable parties, ensuring PRPs are performing and paying for cleanups, encouraging federal facilities to expeditiously address contamination. Our CERCLA attorneys will continue counseling technical clients to ensure legally defensible response actions and consistency with the National Contingency Plan. Additional details can be found in the attached Cleanup Programs addendum.

E. Non-Attainment Areas: Region 8 will focus on ensuring Clean Air Act compliance in the Region's Non-Attainment Areas. Our plans for the Uintah Basin are described in sections 2.B.iii. 4.A., and 5.B. For the Denver-Julesburg Basin, we will seek input from the state of Colorado to determine how we can bolster the state's efforts to achieve compliance with National Ambient Air Quality Standards. We will focus on limiting ozone-causing volatile organic compounds (VOCs) and nitrogen oxides (NOx) from regulated sources. In support of this effort, Region 8 will begin investigating mobile source aftermarket defeat devices.

F. Compliance Assurance Activity Tracking: In FY 2019, Region 8 will continue to deploy and make enhancements to our new compliance assurance activity pipeline system to efficiently plan, prioritize, track and measure our accomplishments, including State Assists, compliance assistance activities and case milestones. The system, called the Compliance Assurance Management Pipeline System (CAMPS), is a SharePoint-based system which was developed in FY 2018. It allows for more active management of compliance assurance activities and provides for improved accountability. One outcome of this new system is the ability to track our compliance assistance efforts so we can report as a metric our broader effort to achieve and maintain compliance. The current system relies exclusively on enforcement as a metric.

3. Key Trends

A. Resources: Over the past 3 years, we have experienced a significant decline in FTE resources in most of our programs. The result is a decrease in compliance inspections and enforcement case initiations and conclusions. To address this, we will be redistributing resources to those programs where human health is most directly affected, including small drinking water systems, NPDES compliance in Indian country, CAA 112r Chemical Accident Reduction, and Superfund enforcement. We will also hire two attorneys to assist with our regulatory and CERCLA case workload. Finally, we will continue to invest resources in training and equipment to further develop our expertise to strengthen our enforcement cases and provide compliance assistance to states and tribes.

B. Compliance Assistance: Region 8 will expand delivery of direct compliance assistance to regulated entities as a central part of our FY 2019 compliance assurance program, and, as indicated above, we will track and use as a reporting metric compliance assistance. Examples of this work include, but are not limited to, the following:

- i. RCRA: If potential violations can be corrected the day of the inspection or within a reasonable time frame, the Region will work with the facility to correct the issues by providing CA. If the potential violations are systematic, significant or not easily correctable, the Region will evaluate use of enforcement tools.
- ii. OPA - SPCC: During and following inspections, we will provide compliance assistance to facilities with no or deficient Spill Prevention, Control and Countermeasures (SPCC) plans and work with the facilities for 90 days after the inspection to bring them into compliance.
- iii. NPDES: During and following inspections and in response to requests received via phone and e-mail, we will provide compliance assistance. We will also provide compliance assistance for DMR non-receipt and other issues that can result in Significant Non-compliance (SNC).
- iv. CAA: We receive numerous calls from regulated entities on a weekly basis asking for direction and guidance on how to comply with CAA stationary source regulations. We anticipate this to continue in FY 2019.

- v. TSCA: Child Care Facility Initiative: Region 8 is working with the state of Colorado, and the city of Denver, to identify child care facilities located in homes with potential lead based paint hazards. Once identified, lead based paint health hazards and regulations will be communicated through compliance assistance letters and in-person visits.
- vi. Region 8 will continue to conduct and participate in workshops and trainings including, for example:
 - SDWA Emergency Administrative Orders - National EPA drinking water conference and Wyoming Association of Rural Water Systems conferences
 - National UIC Inspector Training course - for other Regions and states
 - Tribal Credential Training – for tribal FIFRA inspectors
 - Region 8 Pretreatment Association Workshop – for publicly owned treatment works and industry
 - Federal Facilities NPDES Meeting/Workshop for federal facility representatives
 - Utah Chapter of the American Public Works Association Storm water Expo – for industry and municipal employees that work in MS4 programs.
 - SPCC Workshop - for regulated entities

C. *Litigation:* The Region has the following cases in active litigation: three CWA judicial cases, three CWA administrative cases, three CERCLA cases, and one RCRA bankruptcy case. The Region anticipates filing two additional CAA cases during the first quarter of FY 2019.

4. Region 8 Initiatives

To maximize existing resources, the Region is planning to adopt (or continue) the following initiatives in FY 2019:

- A. ***CAA Stationary Source Self-Certification Program:*** In close coordination with state, federal and tribal partners and OECA, and with input from industry, Region 8 will develop a self-certification program for facilities subject to the NSPS OOOO/OOOOa. We initially intend to implement this program in Indian country in the Uintah Basin Non-Attainment Area. The self-certification program will aim to identify compliance with applicability determinations, ensuring tank systems are designed to handle the vapor streams routed to them, and allow operators to self-certify that the systems are in compliance with applicable regulations. This would allow the agency to reduce tank inspection efforts of these facilities during the FY 2019 inspection year. The program will involve initial inspections in FY 2018 to enhance baseline information, outreach and education, self-certification/ self-reporting regarding compliance, and follow-up spot inspections. The Region will measure compliance rates and engage with our states, tribes, sister agencies, and regulated entities to determine the efficacy of the self-certification programs.

- B. ***SDWA UIC Class II Well Self-Certification Program:*** Region 8 is in the initial stages of determining the viability of a self-certification program for Class II UIC, given the large universe of facilities in a similarly large geographic area. This is expected to involve use of inspections from FY 2018 as baseline information, outreach and education, self-certification/ self-reporting regarding compliance, and follow-up spot inspections.
- C. ***SDWA Drinking Water Administrative Orders (AOs) Automation:*** Region 8 is working to automate our drinking water AOs. In coordination with the Region 8 Safe Drinking Water Information System (SDWIS) expert, Drinking Water is working towards creating a way in which to populate common AOs with system specific information from SDWIS (e.g., PWS name, PWS number, source type, treatment type, administrative contact and owner), as well as boilerplate language agreed upon by all attorneys that will result in greater efficiency, quality and consistency among the AOs issued to public water systems.
- D. ***RCRA “Under-Reporter” Initiative:*** Through the national “under-reporter” initiative, Region 8 has identified numerous hazardous waste generator non-reporters and under-reporters in violation of RCRA permitting and storage allowances. Because many of these waste generators ship wastes across state boundaries, EPA is better suited than individual states to address noncompliance. Region 8 will continue to implement this initiative in FY 2019 in close coordination with our states.
- E. ***Audit Initiative:*** Many Region 8 states have environmental self-audit laws that incent regulated entities to audit operations and report non-compliance in return for a partial or complete waiver of penalties. To encourage the use of these laws EPA will work with states to develop state specific memorandum of understandings that provide for a common understanding of how states will implement their laws and the deference EPA will show to states in implementing those laws. The Region plans to invest significant resources in promoting and implementing the new CAA federal audit initiative for new owners of oil and gas facilities.

5. Unique Opportunities/Challenges

- A. ***Tribal:*** Identifying opportunities to more timely address noncompliance in Indian country is a focus of Region 8 given our DI responsibilities on 26 reservations covering 22.8 million acres of land and representing over 207,000 enrolled members. These opportunities include more timely and regular engagement with tribal staff and legal counsel, and consultation with tribal leadership. Region 8 will also work with OECA to explore leaning the process for issuing tribal unilateral administrative orders and judicial referrals.
- B. ***Air Quality in Rural Non-Attainment Area:*** The U&O Reservation in Utah has experienced wintertime ozone exceedances largely because of oil and gas activity on and surrounding the Reservation. Region 8 will coordinate with the Ute Tribe, state of Utah and federal land managers to ensure a level playing field in addressing Clean Air Act non-compliance in the area. This coordination will include, but not be limited to, proposing a partnership with Utah on our proposed CAA self-certification program discussed above.
- C. ***UIC:*** In FY 2018, the Region’s previous UIC database was unexpectedly terminated when the Agency disinvested in the database management system. The Region shifted

limited enforcement resources to building and populating a new database. Tracking UIC compliance is particularly challenging because of EPA-issued legacy permits were written with widely varying requirements. The UIC self-certification program discussed above will help ensure Region 8 has an effective enforcement presence in our UIC DI jurisdiction, despite our limited resources.

- D. Legal:** Region 8 is experiencing a slow-down in cases due in part to the loss of four senior attorneys. We expect to hire two attorneys at the end of FY 2018. We are screening new cases to identify cases with the most significant adverse impact on human health and the environment, and that support regional and agency strategic objectives. We will triage older lower priority cases as appropriate.

6. Civil/Criminal Coordination

Region 8's enforcement division management meets monthly with senior management from our Criminal Investigation Division (CID) counterparts to coordinate and share information as appropriate regarding the Region's criminal case docket. The Region's Criminal Enforcement Counsels (RCECs) attend all case screening meetings to determine if there are any potential criminal violations that should be investigated. In some cases, our RCECs work with civil case teams in cases that have been investigated by CID.

7. State Coordination and Oversight

In FY 2019, Region 8 will continue to take steps to strengthen EPA-state partnerships. These steps include quarterly/monthly telephonic meetings with each state Department of Environmental Quality and Department of Agriculture (FIFRA/Pesticides) at the Program Director or State Coordinator levels, as mutually agreed by EPA and its state partner. Discussions will include program authorization, EPA-state responsibilities, oversight findings, resource and targeting issues, as well as state requests for EPA case-specific assistance or training.

In addition, Region 8 senior managers (Regional Administrator, Deputy Regional Administrator, Enforcement Division Director and Deputy Enforcement Division Director) will meet annually with senior managers from all our States to discuss EPA's priority focus areas and joint planning activities as described in this plan.

A. Planned coordination activities:

- Joint CAA 112(r) inspections with North Dakota, at the state's request, as a training opportunity to increase state expertise in ammonia facility Risk Management Program inspections.
- State-requested CAA GMAP inspections with NEIC along the Wasatch Front to identify ammonia sources not reported to Utah as part of its emissions inventory.
- Joint and/or EPA-only NPDES inspections to help build state capacity or temporarily supplement state resources/ expertise shortfalls upon request and as resources allow. Our Information Management Team will continue to aid our States and dischargers as they transition to electronic reporting from paper reporting for NPDES data.

- Biannual meeting with various Wyoming state and local agencies. EPA, state and local agencies will discuss collaborating to assist facilities in Wyoming with drinking water quality problems and coordinate on-site visits to the water systems.
- National UIC Inspector Training course will be offered to all states.
- Discussions with our co-regulators regarding addressing non-compliance affecting vulnerable populations.

B. Planned oversight activities:

- Complete the Wyoming Round 4 SRF review and initiate the Utah Round 4 SRF review.
- Conduct a Uniform Enforcement Oversight System (UEOS) review of Montana's drinking water enforcement program.
- Summarize state performance results in annual End of Year (EOY) reports that address the results of Region 8's baseline oversight activities through the year as well as any target oversight.
- Work with state RCRA, CWA and CAA partners to provide compliance verification statements for outstanding recommendations from Round 3 SRF in support of this bowling chart measure. Results and progress will be captured in the SRF Tracker database.

8. Cross-Agency Worksharing

Region 8 expects to be an active participant in cross-agency work sharing in FY 2019. Specific anticipated contributions and needs include:

A. Contributions:

- Provide regional leadership and technical expertise on the national FIFRA Import Training Workgroup—Import Boot Camp.
- Lead the multi-regional case involving the illegal incineration of inorganic metal bearing hazardous wastes in violation of RCRA 40 C.F.R. § 268.3(c).

B. Needs:

- Partnership with other regions and/or OECA to ensure coverage for PCB, Asbestos NESHAP, and AHERA priority cases.
- Assistance from OECA and/or other regions to conduct UIC inspections and provide monetary resources for National UIC Inspector Training.
- OECA resources for RCRA contractor sampling and analysis support.
- NEIC and OECA contractor assistance for CAA 112(r) "high risk" inspections.
- NPDES contractor assistance to conduct sampling at industrial users and facilities in SNC.
- Potential need to partner with other region and/or OECA to ensure coverage for CWA Section 404 priority cases.
- OECA resources for compilation and data analysis of CAA data gathered from GMAP inspections to enable comparisons between basins, operators, and tracking of compliance rates.

9. Coordination with Region 8 Media Programs.

The TSCA, SDWA, and RCRA technical enforcement programs are coordinating with other offices to reduce regional exposure to lead hazards and fulfil objectives in the Regional Lead Action Plan. The offices will meet monthly in FY 2019 to coordinate activities and update the Action Plan.

Underground Storage Tanks (UST) inspections at facilities within tribal lands in Region 8 are performed by the UST program located within the Office of Partnerships and Regulatory Assistance (OPRA). The UST program also holds the delegated authority to issue field citations. All formal enforcement actions are delegated to Region 8's enforcement division and are coordinated closely with OPRA.

OPA enforcement coordinates with the Region's Office of Ecosystems Protection and Remediation (EPR) on SPCC inspections, Facility Response Plan inspections, and Government Unannounced Inspection Evaluations.

10. Level of Effort/Trade-offs.

Region 8 is focused on enforcement cases and other compliance assurance activities that will have the greatest environmental and public health impact within each media program, working primarily in program areas not delegated to our states, supporting the NCIs to the best of our ability, seeking to implement innovative solutions to program challenges.

Resource and budget constraints require the following program adjustments in FY 2019:

- A. ***TSCA PCB Enforcement:*** Region 8 no longer has PCB expertise in the enforcement office. Should an incident occur that requires casework, the Region would work directly with OECA for a resolution.
- B. ***Asbestos (TSCA AHERA and CAA NESHAP):*** Region 8 has maintained a fraction of an FTE to keep a reactive presence for asbestos issues especially for direct implantation tribal areas. We expect to divest further in FY 2019 and work with OECA to ensure adequate coverage.
- C. ***CWA NPDES:*** We have generally disinvested in NPDES work in authorized states due to staffing reductions. We have also needed to reduce state oversight inspections such that inspections are only conducted in a state every four to five years. We are planning to conduct oversight inspections in North Dakota and Montana in FY 2019. Due to the lack of NPDES inspectors, our DI inspections will be conducted less frequently – instead of once every 5 years, inspections will occur every 8 to 9 years. We are not planning to conduct DI federal facility inspections in Colorado due to resource constraints and in consideration of the positive compliance history of these facilities. Pre-treatment inspections will also occur less frequently – once every 12 years.
- D. ***CWA 404:*** Due to lack of technical resources, the Region plans to explore the viability of transitioning our CWA 404 enforcement program to OECA or to a partnership with another region. Region 8 recommends that OECA strongly consider a center of excellence for CWA 404 enforcement and compliance activities.

- E. **RCRA:** In FY 2019, we will no longer conduct Section 7003 inspections at oil and gas exploration and development facilities in authorized states. Instead, we will focus our resources at commercial oilfield waste disposal facilities (COWDFs) that may present an imminent and substantial endangerment. Based on previous inspection data, non-compliance with RCRA section 7003 is significantly higher at COWDFs than at exploration and development facilities. Due to high inspection coverage by the States, we will also be reducing the frequency of inspections at large quantity generators and treatment, storage and disposal facilities, including federal facilities that are under state-authorized programs. Based on the compliance standing of federal facilities and strength of our states' oversight of these facilities, Region 8 has adjusted the inspection frequency for federal facilities under state-authorized programs from annually to every 3 years when appropriate.

11. National Priorities

In addition to work described above in support of National priorities, the Region plans the following activities in FY 2019:

- A. **Improving inspection report timeliness:** Region 8 began focusing on report completion timeliness in early FY 2018 and began tracking progress as a Regional bowling chart measure. We plan to continue to focus on this in FY 2019, especially with regards to providing reports to the regulated entity in a timely manner.
- B. **Faster return to compliance:** In addition to the compliance assistance and Regional initiative activities described earlier in this Plan, we will be pursuing the following in FY 2019 to return facilities to compliance more quickly:
- i. Expedited Settlement Agreements (ESA) – Region 8 intends to utilize the EPCRA 313 ESA as enforcement response to several cases in the current pipeline. We are also developing a NPDES ESA for wastewater facilities and plan to implement RCRA ESAs in FY 2019 as national guidance is further developed.
 - ii. Informal enforcement - NOVs and warning letters will continue to be utilized including for first time violators of the TSCA lead-based paint RRP Rule. For TSCA RRP rule, NPDES, drinking water and UIC noncompliance, we plan to send warning letters as a first step when the requested response to inspection report findings is not received or when compliance assistance does not address low level noncompliance.
 - iii. Find and Fix - Region 8 will continue to encourage the correction of potential violations either during or shortly after inspections. For example, the NPDES enforcement program sends an e-mail with preliminary findings after inspections and requests a response to findings in inspection reports.
- C. **NPDES SNC:** Region 8 will continue to work towards increasing the percentage of NPDES Permittees not in Significant Noncompliance with Permit Limits. On quarterly calls with states, SNC lists and the quarterly noncompliance report will be reviewed with states to identify strategies for reducing SNC. Region 8 has begun separately tracking SNC at direct implementation facilities. SNC is being addressed by a combination of

compliance assistance (e.g., for an isolated late DMR), information enforcement (warning letter), and formal enforcement (e.g., an ESA that will be developed or other formal enforcement for recurring DMR issues or effluent violations).

D. ***National Compliance Initiatives (NCIs)***: Region 8 will support the transition to NCIs in FY 2019. Specifically, we will focus on the following activities:

- i. *Keeping Industrial Pollutants Out of Our Nation's Waters*. Region 8 will continue to follow-up on facilities inspected in FY 2018 either by tracking state action or informally addressing noncompliance. This initiative will be combined with the SNC effort discussed above.
- ii. *Keeping Raw Sewage & Contaminated Storm Water Out of the Nation's Waters*. Region 8 has assessed all nine Phase 1 MS4s. Region 8 continues to work on casework from this initiative.
- iii. *Prevent Animal Waste from Contaminating Surface and Ground Water*. Region 8 discontinued work under this initiative in FY 2017.
- iv. *Ensuring Energy Extraction Activities Comply with Environmental Laws*. Our work under this initiative will focus on reducing non-attainment. Geographically, we will focus on DI work and state-partnerships in the Uintah Basin and state assists in the Denver-Julesburg, in partnership with CDPHE. Region 8 plans to conduct outreach to states and operators on combustor efficiency at oil and gas well pads on tribal lands. The EPA has evidence that there is an issue with combustors achieving the required 95% efficiency at facilities subject to the NSPS OOOO standards. In FY 2019, we plan to conclude four tank venting cases. New enforcement cases will be focused on EPA's direct implementation work. We will also continue to identify and resolve tank venting issues on tribal land, shifting from the Fort Berthold Indian Reservation to the U&O reservation in the Uintah Basin Ozone Non-Attainment Area. We also plan to conduct outreach on NSPS OOOO/OOOOa applicability determinations in coordination with OECA.
- v. *Cutting Hazardous Air Pollutants*. In FY 2019, we plan to conclude six Leak Detection and Repair cases involving gas processing plants.
- vi. *Reducing Widespread Air Pollution from the Largest Sources*. Except for consent decree tracking associated with settlements with oil refineries, cement plants and glass plants, Region 8 has concluded work under this initiative.
- vii. *Reducing Risks of Accidental Releases at Industrial and Chemical Facilities*. Region 8 will continue to participate in the Steering Committee and Strategic Implementation Team for this NCI. Our FY 2019 focus for this DI work will be on advancing the 28 cases in the current pipeline as well as compliance assistance and compliance monitoring. Region 8 intends to conduct Risk Management Plan (RMP) and EPCRA non-313 inspections in support of this initiative. In FY 2019, we will perform at least 23 CAA 112r inspections (the current universe of CAA 112(r) facilities in Region 8 is 810). Seven of these inspections will be at facilities on the Office of Land and Emergency Management's High-Risk List and half will be in the CARR NCI sectors.

- viii. *Reducing Toxic Air Emissions from Hazardous Waste Facilities.* Region 8 will continue to actively participate in this RCRA NCI with the focus on identifying and addressing the most serious situations of non-compliance, prioritizing our work based on addressing vulnerable populations, reducing non-attainment areas, and achieving a timely return to compliance. The Region plans to perform approximately 3-5 inspections in FY 2019. We will also continue our work to build state capacity in this program.

12. Regional Allotment of FTE

The attached FTE table provides a summary of compliance and enforcement resource distribution in Region 8. It reflects the investments and disinvestments described in the Plan.

Attachments

- 1. FTE Table**
- 2. Cleanup Program Addendum**

**Attachment 1 – On Board OECA
FTE in Region 8 as of July 2018**

Program	# FTEs
CAA (except CAA 112r)	8.45
CAA 112r	0.76
CWA - NPDES	6.30
CWA Wetlands (404)	2.70
CWA OPA (311)	4.60
SDWA - UIC	4.20
SDWA - PWS	5.50
RCRA (except UST)	4.60
RCRA - UST	0.68
FIFRA	4.00
TSCA-lead paint	1.75
TSCA-PCBs	0.10
TSCA-Core	0.00
EPCRA 313	0.17
EPCRA non313	0.17
Administration / Program Support	11.70
Regulatory Enforcement - Legal	14.70
NEPA	16.83
EJ	2.00
Brownfields	0.00
Criminal Enforcement - Legal	2.10
Superfund (CERCLA) - Technical¹	35.44
Superfund Enforcement - Legal	9.95
Other	3.53
Total Regional OECA FTE Onboard	140.23

¹ Only 6.65 CERCLA enforcement FTE are in R8's Enforcement Division (including overhead); the remaining 28.79 FTE are in R8's Superfund Division. 26.08 FTE are RPM/OSCs and 2.7 FTE are in federal facilities.

Attachment 2

FY 2019 REGION 8 CLEANUP PROGRAMS PLAN Addendum

Introduction: Region 8 will focus on restoring contaminated sites to productive use, and promoting human health protection and economic vitality in western rural and urban communities, including former and active mines, landfills, military bases, and industrial plants. The Region will focus on activities that maximize PRPs' commitments to clean up sites or pay for the clean-up of sites.

1. Consistent with the Administrator's Superfund Task Force Report (7-25-17) Recommendations for Revitalizing the Superfund Program, Region 8 will implement the following plan to achieve results:

a. Encourage and facilitate PRPs' expectations and thorough cleanup of sites:

Region 8 will engage with PRPs early in the Superfund process, which includes early PRP identification, engagement and collaboration on the Superfund process and technical issues. Region 8 will continue to utilize the adaptive management approach on sites to increase timeliness of cleanup. At sites targeted for cleanup by the Superfund program, the enforcement division is negotiating with the PRPs for expedited cleanups in a streamlined, iterative process.

b. Create oversight efficiencies:

Region 8 will continue to engage with our state partners and eliminate oversight redundancy. Region 8 plans to evaluate the scope of oversight activities when dealing with high performing PRPs and will explore opportunities for more efficient oversight, including use of innovative MOUs with state partners, use of project management plans and use of facilitators.

c. Promote the redevelopment and reuse of sites by encouraging PRPs to invest in reuse outcomes:

Region 8 is committed to early engagement regarding current and future potential land use and early identification of all potential land use scenarios, while encouraging beneficial reuse. For example, at the Nelson Tunnel Site, in Creede, Colorado, the Region will continue to explore how to facilitate the transfer of historic mine features at the site that serve as a tourist attraction to a non-profit or other community based organization. Region 8 will continue to devote resources to comfort letters and administrative orders on consent with bona fide prospective purchasers (BFPPs) and respond to requests in a timely manner to meet transactional deadlines.

- d. *Encourage private investment in the cleanup and reuse of sites by optimizing tools and realigning incentives to encourage third-party investment.*

Region 8 will explore creative settlements with BFPPs to facilitate redevelopment and beneficial reuse. Settlements with BPFFs at the Gilt Edge Mine Site in South Dakota and the Eagle Mine Site in Eagle County, Colorado, are examples of creative approaches encouraging third party investment. The Region will continue to look for potential opportunities to support efforts of Good Samaritans. The Region is engaged with Trout Unlimited in efforts to address liability concerns in a streamlined manner.

2. RCRA Corrective Action Individual Facility Assessment (IFA):

Region 8 has no plans to use enforcement tools to meet the RCRA 2020 corrective action goals. Region 8 does not currently have any high priority corrective action sites on the IFA list. Region 8 currently has three EPA-lead RCRA corrective action sites that are part of the high priority corrective action baseline (2020 Baseline). These three sites are managed by the RCRA program in the Region 8 Office of Partnerships and Regulatory Assistance (OPRA). The Region also has 94 state-lead sites and the RCRA program provides oversight. In Region 8, more than 95% of the high priority corrective action sites have exposures to humans under control, thereby meeting this RCRA 2020 corrective action goal. The Region 8 RCRA program is currently focused on the goal of preventing migration of contaminated groundwater at high priority corrective action sites. Currently, 90% of the Region 8 2020 corrective action sites (97 sites) meet the goal for preventing migration of contaminated groundwater. This percentage includes both EPA-lead and state-lead sites.

3. Cleanup Enforcement Measure Targets:

- a. Region 8 has no cleanup enforcement measure targets; the national target is 110. The enforcement division coordinates its enforcement priorities to align with the Superfund program's projected cleanup activities.
- b. Region 8 will continue implementing the "enforcement first" strategy to ensure that viable liable PRPs are performing or funding CERCLA response work. The Region will also continue to seek reimbursement from PRPs for response costs at fund-lead sites. Enforcement and Superfund program managers will meet monthly to coordinate and prioritize sites with enforcement potential.

Regional Strategic Plans – National Overview for FY19

This paper summarizes information from the FY19 Regional Strategic Plans to provide a national picture for FY19 Regional enforcement and compliance assurance activities. It outlines national and regional priority work, state relationships, and challenges. Overall, Regions are looking at how to prioritize addressing non-compliance with declining resources. Section 1 overviews key national trends and takeaways from the Regional Plans. Section 2 provides more specific detailed information for each topic.

Section 1 – Overview and Trends

National Priorities

1) Strategic Goals

a. Enforcement Timeliness

Regions described a variety of approaches employed to improve enforcement timeliness. Most Regions cited their efforts to improve inspection report timeliness, specifically, steps taken to implement the Interim Policy on Inspection Report Timeliness and, in some cases, utilizing additional measures and tracking to expedite inspection reports. Half of the Regions have implemented a case tracking system or pipeline to monitor case milestones and progress. Other areas mentioned by Regions include expanding ESA use or informal enforcement, LEAN-based process improvements, and regular case status meetings.

b. Reducing SNC Rate

Regions acknowledged SNC reduction as an emerging priority, with a majority of Regions specifically citing an increased resource commitment in this area. Coordination with delegated states, such as quarterly meetings/calls, was identified as a key activity by almost all Regions. Initial state coordination efforts appear to be focused on reviewing and evaluating SNC lists and quarterly noncompliance reports, prior to determining next steps. Two Regions, however, noted their intention to develop individualized state plans. Data integrity and quality was identified by several Regions as an initial focus area.

2) Safe Drinking Water

Nearly every Region stated that they would continue working closely with states to address facilities on the ETT list, and most identified tribal and other assorted direct implementation work as a priority. Several Regions noted efforts to provide technical assistance to PWSs and capacity-building and work-sharing with States.

3) Lead

Regions unanimously indicated investment in the area of TSCA Renovation, Repair, and Painting (RRP) inspections and enforcement, specifically focusing on geographic-based initiatives in areas with high exposure concerns. In addition, four Regions plan RCRA inspections and enforcement for facilities with lead waste such as cathode ray tubes, lead-acid batteries, and leaded glass. Other focus areas mentioned by a few Regions include: working with states to address lead action-level exceedances for drinking water, and devoting CAA inspection resources to single sources that are the source of lead exceedances contributing to non-attainment, such as smelters and metal processing facilities.

4) National Compliance Initiatives (NCIs)

All of the Regions plan to be active in the CARR, Air Toxics, and RCRA Air NCIs. There is considerable variation in the types of facilities regions are looking at in these NCIs. The focus of the Industrial Discharger NCI appears to be shifting resources and attention to reducing the SNC rate. For NSR/PSD and CSO/SSO, most regions are done or near done with investigations and settlements. Overseeing settlements in these two NCIs is a big workload for most regions, as is renegotiation of several CSO/SSO settlements. Only two Regions have planned CAFO inspections for FY19, with remaining active Regions focusing on assisting their states. Those Regions with energy extraction activity indicate plans to continue to be active within that sector. For more specific information on each Region's FY19 NCI plans, see Table 2 on NCI work.

Regional Investments (for more specific information on each Region's Investments, see Table 3)

1) Clean Air (non-NCI)

For FY2019, four Regions will begin and/or continue mobile source CAA enforcement; working with Headquarters programs, mainly focused on facilities that install defeat devices or seizing vehicles with defeat devices or the devices themselves at ports and borders. Another focus for regions is enforcement related to non-traditional air sources such as scrap metal shredders, art glass, ethanol production facilities, etc. Two Regions also discussed focusing efforts on enforcement in non-attainment areas. Region 9 is developing 112r cases as part of its regional refinery workgroup. Other activities reported by Regions related to 112r (non-NCI) include direct implementation work in Region 5, compliance assistance activities in Region 1 and Region 7 focusing inspections on waste-water treatment facilities that utilize chlorine. Region 8 is focusing its efforts on a self-certification program for facilities that are subject to the NSPS OOOO/OOOOa.

2) Clean Water (non-NCI)

Regions indicate a shift toward work related to SNC and SDWA. Two Regions will continue inspections and enforcement for Confined Animal Feeding Operations (CAFOs) due to their impact on water quality in those Regions. Three Regions highlighted continued priorities surrounding direct implementation activities in their states in regard to the Clean Water and Safe Drinking Water Acts. Regions 3 and 10 highlighted priority water-focused work on geographic initiatives; Chesapeake Bay and Puget Sound.

Regions 1 and 8 are utilizing technology to help make reporting and enforcement more efficient. This includes e-reporting, automated drinking water AOs, and self-certification for Class II UIC. Four Regions are collaborating with the Corps of Engineers on Wetland 404 cases. Also, Region 4 is working with the State of Florida to achieve authorization of the 404 Wetlands program.

3) Waste/Chemical

Four regions are utilizing data mining and analytics to assist with enforcement targeting in the RCRA program. Three Regions are utilizing ESAs for RCRA and UST to expedite enforcement especially for smaller facilities. Region 7 is interested in being the pilot region for a new RCRA ESA, especially since the Region has direct implementation authority in the State of Iowa. Regions 5 and 6 are using resources to conduct inspections and enforcement for RCRA-UST in Indian Country.

As noted above, Regions are investing in TSCA lead based paint enforcement. In addition, four Regions reported enforcement and compliance assurance activities for PCBs. Two Regions reported working with their states to focus TSCA enforcement and compliance assistance resources toward schools. Three Regions are focusing FIFRA resources on pesticide compliance at the nation's borders and ports. Two Regions are utilizing resources to provide training and inspections on the Worker Protection Standards rule. Three Regions are also utilizing resources to detect erroneous pesticide labeling or unregistered pesticides.

4) Cleanup

Regions focused primarily on plans to advance the Superfund Task Force Recommendations, and most Regions provided ideas for implementation of the recommendations or examples of success. Most of the specific ideas for implementation were related to expediting cleanup, with multiple Regions committing to conduct earlier PRP searches, bifurcating RD/RA negotiations, and monitoring of negotiation progress. Some Regions provided ideas for increasing oversight efficiency, such as reducing oversight for high-performing PRPs, eliminating duplicative oversight, or developing MOUs. For promoting redevelopment and third-party investment, Regions committed to advancing those objectives, but offered fewer specific strategies to do so, focusing on promoting consideration and discussion of these concepts during negotiation. One Region, however, has formed a redevelopment navigation team to promote a comprehensive approach to site reuse.

Most Regions did not provide projected numbers for Cleanup Enforcement Measure. Although four of the seven Regions that did not provide projections stated that they would seek to maximize their contributions to the national target by expediting settlements, expanding use of comfort/status letters, and BFPP agreements.

State Coordination

All of the Regions outlined their continued plans for state coordination, including regular meetings and calls, inspection support, capacity building, training assistance, joint judicial actions, work-sharing, coordinated inspections, and state oversight. See Table 4 on Regional Enforcement Planning with States for additional information on how Regions are collaborating and coordinating with their state partners.

Trends & Challenges

The biggest challenge for Regions is a lack of resources, including declining extramural budget and reduced FTE, which has led to less training, a decrease in inspections, and a backlog of cases. Several Regions are losing or have lost SEE inspectors as well as contractor support. Region 8 is disinvesting in several programs in FY2019 due to resource and hiring constraints. Regions are also attempting to fill gaps as States have increasingly tighter environmental department budgets, including Region 4, that will conduct asbestos NESHAP inspections for the State of Georgia, which has disinvested from this program.

A variety of other factors were noted as impacting enforcement. Regions cited a reluctance by defendants to come to the negotiating table to resolve enforcement issues as quickly as in the past. Several Regions (R2, R6, and R9) have had challenges in responding to a variety of natural disasters, pulling away inspectors for response work. Region 10 is overwhelmed by the large volume of FOIAs it receives. Region 7 has had the unique challenge of the State of Missouri requesting the lead in inspections and case-development that has typically been done by EPA or jointly with the State. Some Regions suggest creating additional centers of excellence, as well as identifying other areas for work-sharing or coordination.

Section 2 – Regional Snapshots

Table 1 – Regional FTE

FY 2019 Regional Strategic Plans – FTE Allocation*

	Region 1		Region 2		Region 3		Region 4		Region 5		Region 6		Region 7		Region 8		Region 9		Region 10	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
Regulatory Enforcement – Programs	61	45.3	67.1	90.4	105	81.2	150.8	119.2	171.5	123	135	107.6	74.2	57	56.7	44	75	59.7	63.2	42.9
Regulatory Enforcement – Legal	22	19	30	26.4	24.5	24.4	25.9	18.0	39.6	34.2	30.2	26.2	19.5	16	12.6	14.7	23.7	22.1	13.5	12.8
Superfund Enforcement – Technical	25	23	32.2	31.1	51.7	60.5	59.6	59.6	70.9	74.2	28.4	27.2	23	31	42.3	35	40.8	43	37.4	38.3
Superfund Enforcement – Legal	22	17	42.3	36.9	30.5	28.6	28.6	23.4	45.2	38.8	13.2	12.7	16.8	13	8.8	10	24.4	25.6	11.4	11.4
Criminal Enforcement – Legal	2	1.5	3	2.5	2.4	2	2.9	2.7	4.5	4.2	2.5	2.1	1.5	2	2.1	2.1	2	1.8	1.8	-
Administrative/Program Support	5	23	25	13.2	13.4	9.4	14.4	29.8	13.3	38.2	8.7	18.7	4.9	9	10.3	11.7	23.7	14.3	9.8	14
Other	0	0	32.9	0	4.5	0.3	0	1.1	0	0.2	0	0.1	0	0	0.2	3.5	0	3	0.9	0
Total Regional OECA FTE Allocation	137	128.8	232.5	200.5	232	206.4	282.2	253.8	345	312.8	218	194.6	139.8	128	133	121	189.6	169.5	138	119.4

**Does not include NEPA or OEJ FTE for FY2018 or FY2019*

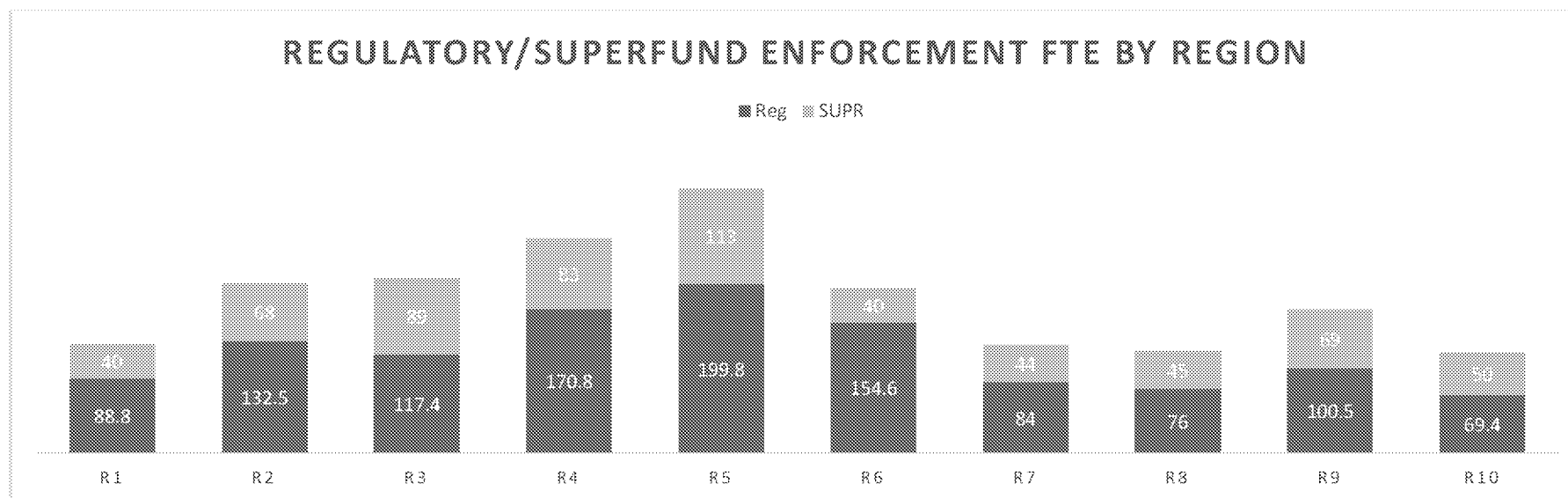
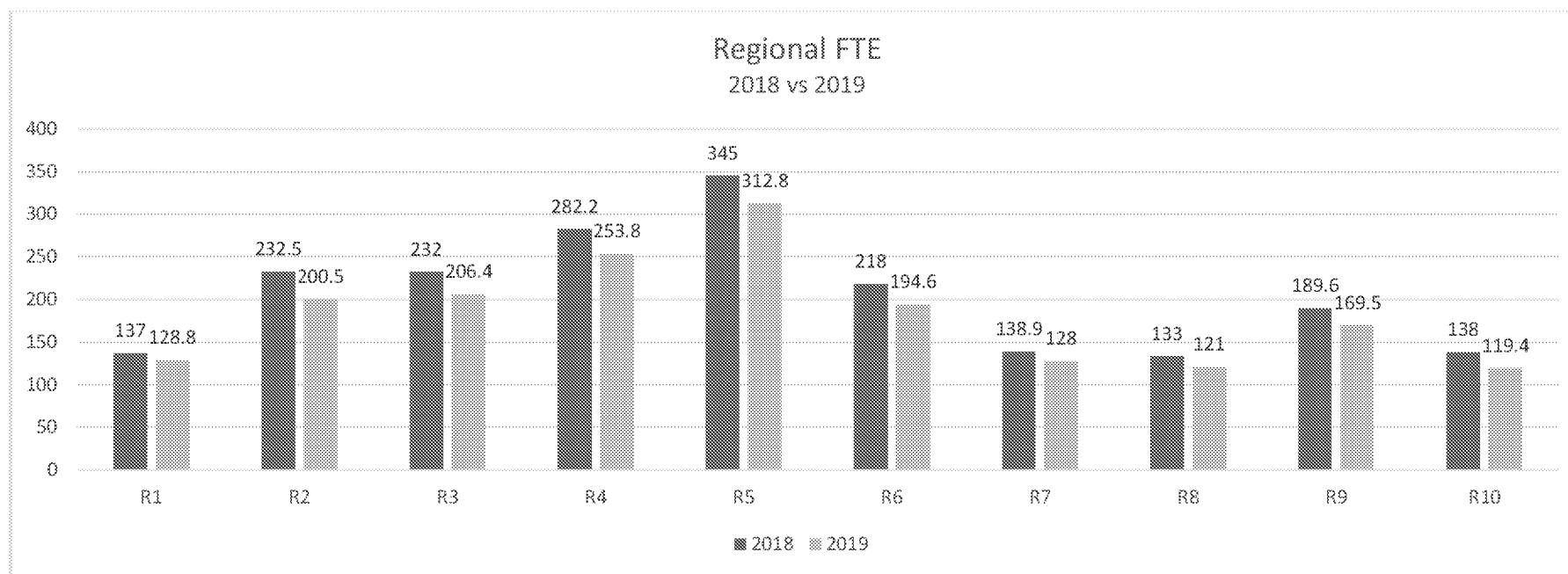


Table 2 – NCI Work

	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
Raw Sewage and Storm Water	CSO: Oversee & renegotiate MS4: Phase II	CSO: Oversee and monitor SSO: targeted compliance monitoring MS4: Phase II	CSO: oversee & renegotiate (2); finalize 1 new CD MS4: 4 actions proj.; 10 insp.	CSO: Oversee and renegotiate SSO: 3 new CDs MS4: complete Phase I work	CSO: oversee & renegotiate (12 of 25) existing CDs; 3 new CDs MS4: complete Phase I work	SSO: oversee & monitor (8); 2 new CDs MS4: self-audit pilot program	CSO: oversee & renegotiate (2) MS4: N/A	MS4: Assessed all 9 Phase Is; continue casework from this initiative	CSO: finalize San Fran settlement SSO: complete MS4: few Phase Is are not to be completed	CSO/SSO: oversee & renegotiate existing CDs MS4: N/A
CAFO	N/A	Assist NY w/ inspections; CD negotiations	N/A; compliance assistance roundtable with states	N/A	Inspections in Lake Erie basin; assistance to IL and WI	N/A	inspect large and medium open lots w/ WQ impacts	Discontinued work in FY17	CA Regional Water Quality Control Boards in lead	N/A
NPDES Industrial Discharger	N/A	Inspection #s TBD	Mining, Sources contributing to Chesapeake Bay impairment; 19 inspections; 3 actions projected	N/A	Mining, food processing	Mining, food processing, metals manufacturing	Conclude 2 judicial cases; will have addressed all high priority facilities	Follow-up on FY18 inspections (by tracking state action or informal enf.)	Inspected all high-risk; follow-up w/1 mining facility. Focus on IUs in cities w/ problem pretreatment	N/A
NSR	N/A	Complete	Complete; oversee 5 CDs; no additional commitments	Conclude 7 remaining NSR cases; oversee 10 existing CDs	Resolve existing NSR cases	Conclude 4 remaining NSR cases; CD oversight and terminations; no new cases	Conclude cement case; continue utility negotiations; utility remedy trial	Oversee existing CDs; no additional commitments	Conclude cement case; no additional commitments	Complete. Oversee existing CDs; no additional commitments
Air Toxics	LDAR: chem manuf., bulk fuel storage Excess Emission: TSD, metal processing/scrap chem manuf.	Fuel storage, metal recycling, unpermitted major sources; Finalize 1 open CD, close out Flares	Gas distrib., chem manuf., RICE, boilers, gen. manuf.; 14 insp.; 5 cases in dev.; 8 actions projected	Misc. Organic Chemical Manufacturing NESHAP, liquid VOC tanks; 10 insp.; 18 cases in development	Flares, LDAR, excess emissions. Initiate new tanks investigations	Flares; 13 active judicial cases, 4 admin.	Herb/pesticide manuf, high-risk, ozone N/A, area source MACTs. 20 insp. Target 5 tank facilities & 7 landfills	Conclude 6 LDAR cases at gas processing plants	3 FLIR-based inspections (1 tribal, 2 at large sources)	Pulp and paper, landfills, gas dist. (Alaska); Pulp/paper settlement; 6 inspections
CARR	Ammonia refrigeration, GDC Pilot	Ammonia refrigeration, chem manuf., gas processing	Ammonia refrigeration, chem manuf.; 10 actions projected; 28 inspections	23 potential CAA actions, 5 potential EPCRA actions; 24 inspections	>50% of targeted high risk inspections in the five NEI sectors	Target high-risk facilities, adjacent to communities, and w/history of accidents	>75% of targeted inspections in 3 NEI sectors (fertilizer dist., chem manuf., ammonia refrig.)	Focus on concluding 28 cases in pipeline; ~12 inspections in the 5 NEI sectors	Focus on chem Manuf. and ammonia refrig. Outreach w/industry & locals;	30 inspections (11 high-risk, 15 in NEI sectors); Conclude 2 admin refinery cases
Energy Extraction	N/A	N/A	Gas plants, wells comp stations; 7 proj. actions; 25 insp (8 Air, 2 SPCC, 15 UIC)	15 ongoing investigations; 10 inspections	UIC Class I and II injection wells that receive wastewater from EE ops.	CWA: discharges of flowback water (2 actions) CAA: wells (3 actions)	N/A	Focus on DI work and outreach; conclude 4 tank cases	N/A	N/A
RCRA Air	TSDs and LQGs Increased LOE	20 inspections (91% of universe inspected)	3 actions projected; 8 inspections	12 cases in pipeline; 19 cases projected	Continue monitoring/enf.; smaller # of inspections	2 new investigations at large petrochem operations	11 inspections; 2 projected FY19 enf. actions	3-5 inspections; build state capacity	3 cases in pipeline; 5 inspections at TSD facilities	2 inspections; TSD focus

Table 3 – Media-Specific Priority Work (RCRA, CWA, CAA)

	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8	Region 9	Region 10
RCRA (Haz. Waste & UST)	(see NCI)	-Landfill enforcement in PR, especially in response to Hurricane clean-up -UST ESA use and completing 3 judicial actions	-Hazardous waste data mining -Reauthorize UST programs for R3 states		-Focus on data mining and predictive analytics modeling -Increased use of RCRA ESAs -Compliance monitoring and enforcement for UST program in Indian Country	-Continued use of data mining -Conclude one remaining judicial case in the RCRA mineral processors initiative -Focus on UST facilities in Indian Country	-DI for IA RCRA program; proposing to pilot RCRA ESA program in IA	-Focus on RCRA “under-reporter” initiative		
CWA/SDWA	-DI for 2 states -Significant work in CSO, SSO and MS4 -Integrated planning for CWA -Electronic Reporting	DI work: -Pretreatment (NY) -PR NPDES - 404 (NY, PR, VI) -MPRSA	-Addressing regional priorities of water impairments from mining, CAFOs, and stormwater in Chesapeake Bay		-DI responsibility in IL and IN -Continued tribal enforcement -Invest in field capability of R5 technical staff	-Address issues caused by AFOs -Initiative with ORD and LA to monitor bacteria in water from dairy farms in LA	-Continue to inspect CAFOs (large and med. lots that impact water quality) -Sample and inspect 58 sig. indus. users in KS -Biosolids COE: priority given to violations impact public health	-Determining viability of self-certification program for Class II UIC -Working to automate drinking water AOs	-Significant resources invested in SDWA and CWA for Pacific Islands including 3 cases being negotiated by R9 and DOJ -Large Capacity Cesspool (LCCs) in Hawaii	-Industrial SW in Puget Sound -Work w/ OR on SW inspections -Continued work on tribal treaty rights for salmon and shellfish production - Public drinking water systems in Indian Country - Yakima Nitrate contamination - NPDES inspections in Alaska -Transitioning ID from DI to delegated prog
CAA	-CAA with wastewater treatment facilities/ sewage sludge incinerators -Cutting excess emissions from noncompliance such as RCRA TSD, scrap metal, metal processing, etc	-Mobile source enforcement	-Mobile source enforcement -Art Glass -Legacy Sectors (Steel and Coke) -NAAQS exceedances -Complex CAA Major Sources -Federal/ State-owned facilities -CFC follow-up that doesn’t meet R5 COE criteria		-Focus on compliance assurance in steel manufacturers, scrap shredders, ethanol plants and chemical production -Enforcement in non-attainment areas/hot spots	-Focus on cases that reduce toxic air pollutants -Reviewing significant number of CD terminations -Working with states to evaluate LDAR compliance at gas processing plants	-Prioritize and address non-delegated area sources, stack test failures and mobile source enforcement	-Developing self-certification program for facilities subject to NSPS 0000/ 0000a	-Continued support of mobile source enforcement including seizure at ports/border; reaching settlements using ESAs	

Table 4 – Regional Enforcement Planning with States

	Meeting Frequency	Meet by Media	Meet by State	Discuss Inspection Targets	Discuss Potential Enf. Actions	Joint Inspections w/States	Provide Training	States with Objections?
Region 1	Quarterly for Senior Mgmt on enforcement; annual planning on priorities and commitments	Yes	Yes	Yes Federal and State inspection	Yes Case coordination and training needs	Yes	Yes RCRA Air	No
Region 2	Most programs quarterly; Pesticides and toxics biannually or annually	Yes	Yes	Yes Shares target lists; negotiates with states on types of sources	Yes Reports out on enforcement progress and compliance outcomes		Continued capacity building for PR and SUVI on insp., enforcement, technical assist. and prep for e-reporting	No
Region 3	Annual meetings at the Sr. Mgmt level; monthly calls for program areas	Yes	Yes	Yes	Yes		Yes RCRA Inspector Work shop	No
Region 4	Annual meetings at the Sr. Mgmt level;	Yes	Yes	Yes	Yes	Yes	Training for State inspectors including field methodology, policy/guidance and field technology	No
Region 5	Regular meetings at the Sr. Mgmt level; quarterly conf calls by program	Yes	Yes	When appropriate, notifies states two weeks in advance of inspection	Yes	Yes, if the state would like to join EPA R5	National NPDES Inspectors workshop	No
Region 6	Regular Sr.Mgmt level meetings	Yes	Yes – develop state-specific plans	Yes	Yes	Yes	Training for state inspectors; training for states on the Enforcement Targeting Tool Assistant (ETTA)	No
Region 7	Semi-annual in-person senior mgmt. level meetings; quarterly conf calls	Yes	Yes	Yes	Yes	Yes	Basic Inspector training for state inspectors; Pre-treatment and MS4 training for States	State of MO requested the lead for enf & inspections for FY2018
Region 8	Annual meeting at the Senior mgmt. level; Quarterly and monthly calls by program	Yes	Yes	Yes	Yes	Yes; including capacity building inspections for CAA 112(r) and NPDES	Capacity building; training for inspectors; Natl UIC inspector training	
Region 9	Annual meeting at the Senior Mgmt Level; quarterly meetings by program	Yes	Yes			Yes	Capacity bldg. training for AZ inspectors FIFRA training for Navajo Nation	
Region 10	Regular State/Federal meetings	Yes	Yes	Yes	Yes	Yes	Capacity bldg. for Idaho inspectors for capacity building; Training on NPDES SNC data entry for States	No

Table 5 – Inspections

FY 2019 Regional Strategic Plans – Inspections

(***)NOTE: THIS CHART ONLY INCLUDES FY18 INSPECTIONS LOGGED IN ICIS as of 9/18(***)

	Region 1		Region 2		Region 3		Region 4		Region 5		Region 6		Region 7		Region 8		Region 9		Region 10	
	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19	FY18	FY19
CAA	325	-	332	-	148	91	120	-	232	284	116	-	68	87	187	-	207	170	270	-
CAA 112R	16	-	17	-	50	31	32	-	29	34	55	-	26	30	17	-	25	26	51	-
CAA Mobile Sources	0	-	4	-	37	22.5	0	-	9	0	0	-	0	0	0	-	182	140	187	-
CAA Stationary Sources	307	-	310	-	51	22.5	71	-	194	0	61	-	42	0	170	-	0	4	29	-
CWA	171	-	461	-	148	110	165	-	49	82	384	-	104	229	65	-	96	130	152	-
CWA 311	61	-	66	-	64	62	73	-	14	27	154	-	18	65	5	-	37	45	31	-
CWA 404	9	-	5	-	40	20	11	-	9	15	32	-	5	0	1	-	4	5	23	-
CWA Pretreatment	22	-	15	-	17	0	12	-	10	0	8	-	10	0	26	-	20	20	4	-
CWA NPDES	79	-	375	-	27	28	69	-	16	40	190	-	71	35	33	-	35	60	94	-
EPCRA	34	-	78	-	36	46	114	-	22	33	29	-	7	12	32	-	18	26	41	-
EPCRA 313	22	-	22	-	24	24	54	-	7	9	29	-	7	12	13	-	1	TBD	8	-
EPCRA non313	12	-	56	-	12	22	60	-	15	24	0	-	0	0	19	-	17	26	33	-
FIFRA	4	-	39	-	34	15	17	-	9	10	7	-	7	10	24	-	29	20	8	-
RCRA	39	-	464	-	69	110	215	-	171	200	50	-	206	204	72	-	73	104	95	-
RCRA HW	8	-	260	-	29	60	178	-	86	100	19	-	182	189	59	-	40	68	31	-
RCRA UST	31	-	204	-	40	50	37	-	85	100	31	-	24	15	13	-	33	36	64	-
SDWA	0	-	83	-	27	961	0	-	0	20	181	-	0	20	221	-	76	50	53	-
SDWA PWS	0	-	27	-	0	211	0	-	0	0	13	-	0	0	0	-	12	8	0	-
SDWA UIC*	0	-	56	-	27	750	0	-	0	20	168	-	0	20	221	-	64	42	53	-
TSCA	39	-	134	-	113	180	223	-	53	32	7	-	72	80	41	-	93	94	87	-
TSCA Core	0	-	11	-	6	0	15	-	0	2	0	-	0	0	0	-	14	12	0	-
TSCA-Pb	32	-	111	-	83	80	179	-	47	15	7	-	72	80	36	-	79	80	87	-
TSCA PCB	7	-	12	-	4	0	13	-	5	15	0	-	0	0	0	-	0	2	0	-
Total Regional inspections	612	-	1591	-	575	1513	854	-	536	661	774	-	464	642	642	-	592	594	706	-

* Only UIC inspections recorded in ICIS are included.

